

City Council Meeting

June 2, 2008

Dinner provided by:



Burritos and Enchiladas

Beans and Rice

Iguana dip

Chips and sauce

COUNCIL COMMITTEE
June 2, 2008
6:00 p.m.
Council Chamber

AGENDA

DAVID VOYSEY, COUNCIL PRESIDENT

CONSENT AGENDA

- COU2008-02** **Consider Project SP107: 2008 Street Repair Program Construction Change Order #1 (Final)**
- *COU2007-27** **Consider Project 190864: 2008 Street Resurfacing Program Construction Change Order #1**
- *COU2007-27** **Consider Project 190864: 2008 Street Resurfacing Program Construction Change Order #2**
- *COU2007-62** **Consider Project 190863: Shawnee Mission East High School Parking Lot Expansion**
- *COU2008-39** **Consider Highway Rock Salt Bid Award**

AGENDA ITEMS FOR DISCUSSION

- COU2008-34** **Consider Smoking Ordinance**
- COU2008-38** **Consider Resolution No. 2008-03 Supporting the Quarter Cent County Public Safety Sales Tax**
- *COU2008-40** **Consider Project 190648: El Monte Fountain Replacement Design Agreement**
- COU2008-41** **Consider 2008 Police Pension Plan Contribution**
- COU2007-51** **Village Vision**

***Council Action Requested the Same Evening**



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: June 2, 2008

Council Meeting Date: June 16, 2008

COU2008-02: CONSIDER PROJECT SP107: 2008 STREET REPAIR PROGRAM CONSTRUCTION CHANGE ORDER # 1 (FINAL)

RECOMMENDATION

Staff recommends the City Council approve construction change order # 1 (FINAL) with Musselman and Hall Contractors Inc. for Project SP107: 2008 Street Repair Program in the amount of \$10,062.56.

BACKGROUND

After the harsh winter, Public Works changed the priority list of pavement repairs and requested the Contractor to review the changes and provided revised unit item costs if necessary. Since the locations and scope changed the Contractor made some minor revisions in the unit costs. This change order reflects the actual work completed on this project based on the revised unit costs and is a decrease of 6.2% from the original contract amount.

FUNDING SOURCE

Funding is available in the Public Works Operating Budget.

ATTACHMENTS

1. Construction Change Order #1 (Final) with Musselman and Hall Contractors, Inc.

PREPARED BY

S. Robert Pryzby, Director of Public Works
May 14, 2008

Explanation of Changes

Project SP107 Street Repair Program. This change order is to cover the following items:

As-built Quantities. Priority of areas requiring pavement repairs changed after this past winter.

The Contractor was permitted to submit new unit prices to reflect the actual work required.

This change order decreases the contract amount by \$10,062.56.

Calendar days were not added as result of this change order.

Original Contract Price	<u>\$159,981.00</u>
Current Contract Price, as adjusted by previous Change Orders	<u>\$159,981.00</u>
NET increase or decrease this Change Order	<u>(\$10,062.56)</u>
New Contract Price	<u>\$149,918.44</u>

Change to Contract Time

The current contract deadline of June 1, 2007 will remain the same.

The City does not anticipate a related Engineering Change Order.



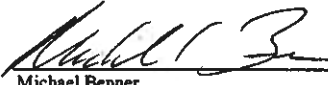
Thomas Trienens, Manager of Engineering Services
City of Prairie Village, KS

5/28/08

Date

Ronald L. Shaffer, Mayor
City of Prairie Village, KS

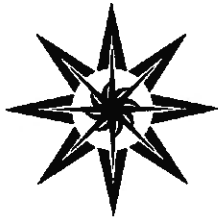
Date



Michael Benner
Vice President

5-27-08

Date



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: June 2, 2008

Council Meeting Date: June 2, 2008

**COU2007-27 CONSIDER PROJECT 190864: 2008 STREET RESURFACING
PROGRAM CONSTRUCTION CHANGE ORDER #1**

RECOMMENDATION

Staff recommends the City Council approves Construction Change Order #1 with O'Donnell & Sons Construction for an increase of \$241,750.20 to Project 190864: 2008 Street Resurfacing Program.

COUNCIL ACTION REQUESTED ON 2 JUNE 2008

BACKGROUND

Hodges Drive was designed to have one and a half inches of asphalt removed and replaced. This design was based on the best information available from pavement cores drilled during the design phase. The asphalt was recently milled and the underlying pavement shows a large amount of distress along the curblines and indications of additional sub base issues which need to be addressed. In order to achieve an acceptable life for the pavement on this street it is recommended that the entire asphalt be removed and replaced with six inches of asphalt over a new subbase.

FUNDING SOURCE

Funds are available in the Capital Infrastructure Program under project 190864 - 2008 Street Resurfacing Program.

RELATED TO VILLAGE VISION

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- CFS3a. Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.*
- TR3a. Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.*

ATTACHMENTS

1. Construction Change Order #1 with O'Donnell & Sons Construction.

PREPARED BY

S Robert Pryzby, Director of Public Works
May 6, 2008

Explanation of Changes

Project190864; 2008 Paving Program. This change order is to cover the following items:

After the milling of the existing pavement on Hodges Drive was completed it was determined that the existing pavement needed to be completely removed and replaced in order to prolong the life of this street.

This change order increases the contract amount by \$241,750.20.

Calendar days were not added as result of this change order.

Original Contract Price	<u>\$1,631,516.30</u>
Current Contract Price, as adjusted by previous Change Orders	<u>\$1,631,516.30</u>
NET increase or decrease this Change Order	<u>\$241,750.20</u>
New Contract Price	<u>\$1,873,266.50</u>

Change to Contract Time

The current contract deadline of December 1, 2008 will remain the same.

The City does not anticipate a related Engineering Change Order.



Thomas Trienens, Manager of Engineering Services
City of Prairie Village, KS

5/6/08

Date

Ronald L. Shaffer, Mayor
City of Prairie Village, KS

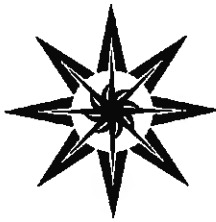
Date



~~City of Prairie Village, KS~~

5-6-08

Date



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: June 2, 2008

Council Meeting Date: June 2, 2008

COU2007-27: CONSIDER PROJECT 190864: 2008 STREET RESURFACING PROGRAM CONSTRUCTION CHANGE ORDER #2

RECOMMENDATION

Staff recommends the City Council approves Construction Change Order #2 with O'Donnell & Sons Construction for an increase of \$69,183.90 to Project 190864: 2008 Street Resurfacing Program.

COUNCIL ACTION REQUESTED ON 2 JUNE 2008

BACKGROUND

This year's resurfacing program includes 75th Terrace from 75th Street to Colonial Drive. The Council, earlier this year, approved an engineering change order to redesign the adjacent section of 75th Terrace (Colonial Drive to Brush Creek) due to drainage issues that were identified as a result of a resident's service request. Since the contractor is currently working adjacent to this section, it makes sense to reconstruct the cul-de-sac now, especially because the bids the City received this year were competitive.

FUNDING SOURCE

Funds are available in the Capital Infrastructure Program under project 190864 - 2008 Street Resurfacing Program.

RELATED TO VILLAGE VISION

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- CFS3a. Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.*
- TR3a. Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.*

ATTACHMENTS

1. Construction Change Order #2 with O'Donnell & Sons Construction.

PREPARED BY

S Robert Pryzby, Director of Public Works
May 12, 2008

Explanation of Changes

Project 190864; 2008 Paving Program. This change order is to cover the following items:

Reconstruct 75th Terrace, from Colonial Drive to Brush Creek.

This change order increases the contract amount by \$69,183.90

Calendar days were not added as result of this change order.

Original Contract Price	<u>\$1,631,516.30</u>
Current Contract Price, as adjusted by previous Change Orders	<u>\$1,873,266.50</u>
NET increase or decrease this Change Order	<u>\$69,183.90</u>
New Contract Price	<u>\$1,942,450.40</u>

Change to Contract Time:

The current contract deadline of December 1, 2008 will remain the same.

The City does not anticipate a related Engineering Change Order.



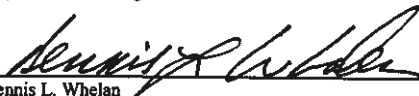
Thomas Trienens, Manager of Engineering Services
City of Prairie Village, KS

5/12/08

Date

Ronald L. Shaffer, Mayor
City of Prairie Village, KS

Date



Dennis L. Whelan
O'Donnell & Sons

5-12-08

Date



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: June 2, 2008

Council Meeting Date: June 2, 2008

COU2007-62 CONSIDER PROJECT 190863: SHAWNEE MISSION EAST HIGH SCHOOL PARKING LOT EXPANSION

RECOMMENDATION

Staff recommends the City Council approves the transfer of \$117,000.00 from the economic development fund to the Capital Improvement Fund (Project 190863: SME high School Parking Lot Expansion) for design, construction, construction administration and testing services.

COUNCIL ACTION REQUESTED ON 2 JUNE 2008

BACKGROUND

The City Council previously approved funding for a joint venture with the Shawnee Mission School District for parking expansion at Shawnee Mission East High School. The estimated City share for construction, design, construction administration and testing was \$112,000 or 31% of the total cost. The bid for construction is \$283,033.35. Therefore the total amount, including contingencies, for the entire cost of this project is now estimated at \$378,000 and the City share (31%) is estimated at \$117,000.

FUNDING SOURCE

Funds are available in the Economic Development Fund.

RELATED TO VILLAGE VISION

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- CFS3a. Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.*
- TR3a. Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.*

PREPARED BY

S Robert Pryzby, Director of Public Works
May 6, 2008



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: June 2, 2008

Council Meeting Date: June 2, 2008

COU2008-39: CONSIDER HIGHWAY ROCK SALT BID AWARD

RECOMMENDATION

Staff recommends the City Council approve the awarding of the Highway Rock Salt Bid to Cargill, Inc. for the 2008-2009 Winter Season.

COUNCIL ACTION REQUESTED ON 2 JUNE 2008

BACKGROUND

Annually, Public Works solicits bids for Highway Rock Salt for the next winter season. This year the City Clerk opened bids on May 2, 2008 at 3 PM. Four bids were received:

Company	Bid Bond	Unit Price	Total Bid
Cargill, Inc.	Yes	\$44.06	\$110,150.00
Central Salt	Yes	\$44.67	\$111,675.00
Independent Salt Co	Yes	\$47.89	\$119,725.00
Hutchinson Salt Co	Yes	\$50.80	\$127,000.00

Last year the bid was awarded to Cargill, Inc. at \$35.22 per ton.

FUNDING SOURCE

Funding is available in the Public Works Operating Budget.

RELATION TO VILLAGE VISION

TR3c Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.

PREPARED BY

S Robert Pryzby, Director of Public Works
13 May 2008



COUNCIL COMMITTEE

Council Meeting Date: June 16, 2008
Committee Meeting Date: June 2, 2008

COU2008-34 Consider approval of an ordinance relating to restrictions on smoking in public places.

SUGGESTED MOTION

Move that the Governing Body adopt the proposed ordinance related to smoking in public places.

BACKGROUND

The Smoking Task Force reconvened in late April. After deliberation, the task force recommended changes be made to the City's November 2005 smoking ordinance.

At the May 5th meeting, Council directed staff and city attorney to draft an ordinance to consider regarding smoking regulations. It was also suggested that a review of adjacent community's ordinances be conducted. The city's current ordinance (passed in November 2005) exempted restaurants and bars until the surrounding cities enacted similar provisions.

The draft ordinance is attached with modifications are reflected by the strikethrough and bold text. The formal ordinance will be presented at the June 16th Council meeting.

There are several provisions within the draft ordinance which Council may want to discuss. Council will want to discuss the implementation date of the ordinance which is currently left blank in the draft ordinance.

The proposed ordinance would prohibit smoking within enclosed areas of bars and restaurants. Smoking on outdoor decks or patios would not be regulated.

The non-regulated locations in the draft ordinance are:

- private residences (currently in ordinance)
- outdoor areas outside of 10 feet from the doorway
- hotels and motels in designated rooms - not to exceed 25% (currently in ordinance)
- private clubs (included in other ordinances)
- tobacco shops (included in other ordinances)

Several council members mentioned the importance of notifying the public and ensuring the restaurants have adequate notice of the ordinance and possible changes. The draft ordinance and anticipated schedule has been sent to the 21 registered liquor establishments and restaurants in Prairie Village.

City staff called the two country clubs in PV to inquire about impact to their businesses. Both country clubs responded that they are already smoke-free within the enclosed club areas.

The anticipated schedule for discussion:

- June 2nd Council committee meeting
- June 16th Council meeting - expected date for public input, deliberation and action (approve, not approve or continue).

FUNDING SOURCE

Not applicable.

PUBLIC NOTICE

As a courtesy to the impacted businesses, staff sent letters to 21 restaurants in Prairie Village with the draft ordinance and anticipated schedule. If approved by Council, the ordinance will be published for public review.

ATTACHMENTS:

- 1) Draft ordinance prepared by City Attorney with modifications reflected with strikethrough and bold text.

Prepared By:
Quinn Bennion
City Administrator
Date: May 29, 2008

DRAFT ORDINANCE
Changes to existing "smoking" ordinance
City of Prairie Village – May 23, 2008

11-402 DEFINITIONS. The following terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Employee: Any person who performs services for an employer, with or without compensation.

(b) Employer: A person, partnership, association, corporation, trust, or other organized group of individuals, including the City or any agency thereof, which utilizes the services of one (1) or more employees.

(c) Enclosed: A space bound by walls (with or without windows) continuous from the floor to the ceiling, including, but not limited to, offices, rooms, all space therein screened by partitions, which do not extend to the ceiling or are not solid, "office landscaping" or similar structures and halls.

~~(d)~~ ~~(d)~~ Permanently Designated: A hotel or motel room may be designated as a smoking room only one time a year.

~~(e)~~ ~~(e)~~ Place of Employment means any enclosed area under the control of public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a childcare, adult day care or health care facility.

~~(f)~~ Private Club means a "Club" as defined by Section 3-101 of Article 1 of Chapter 3 of the City Code.

~~(g)~~ ~~(f)~~ Public Place means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health facilities, laundromats, public transportation facilities, reception areas, production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a "public place" unless it also serves as a "Place of Employment."

~~(h)~~ ~~(g)~~ Restaurant means a building wherein food is prepared and served in ready-to-eat form to the public for human consumption, wherein alcoholic beverages may be sold for consumption and more than fifty percent of the income is derived from the sale of food. "Restaurant" includes, but is not limited to, café, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steakhouse.

~~(i)~~ ~~(h)~~ Service Line means any indoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involved the exchange of money.

~~(j)~~ ~~(i)~~ Smoking means the possession of lighted smoking materials in any form, including but not limited to, the possession of lighted cigarettes, cigars, pipes, or other tobacco or other products.

~~(k)~~ ~~(j)~~ Sports Arena means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general

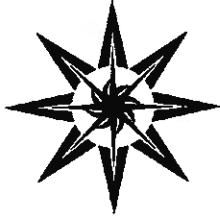
public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

11-404 AREAS WHERE SMOKING IS NOT REGULATED

- ~~(a)~~ ~~—(a) Private residences, not serving as enclosed places of employment or an enclosed public place.~~
- (b) (b) Outdoor, unenclosed areas of restaurants, drinking establishments, and private clubs including but not limited to decks, patios, etc. but only to the extent that such areas are at least ten feet away from any doorway or opening leading to an enclosed area.**
- ~~(c) (c) Hotel and motel rooms that are rented to guests and are permanently designated as smoking rooms; provided, however, that not more than twenty-five percent (25%) of rooms rented to guests in a hotel or motel may be so designated.~~
- (d) An existing retail establishment whose primary business is the sale of tobacco products and new retail establishments whose primary business is the sale of tobacco products which are located in a stand-alone building not attached to or the party of any building devoted to other uses.**
- (e) Private Clubs.**

11-410 EFFECTIVE DATES

- (a) Except as provided below, this article shall become effective sixty (60) days from the adoption by the Governing Body and publication in the official City newspaper.
- (b) As applied to restaurants and other food service establishments, this article shall not become effective until the following cities adopt ordinances or regulations similar to this article: take effect and be in force from _____, 2008, and after the publication of Ordinance _____ in the official City newspaper.**
 - ~~(1) Fairway, Kansas~~
 - ~~(2) Kansas City, Missouri~~
 - ~~(3) Leawood, Kansas~~
 - ~~(4) Mission, Kansas~~
 - ~~(5) Mission Hills, Kansas~~
 - ~~(6) Overland Park, Kansas~~
- ~~(c) The City Clerk shall maintain a library of ordinances regarding smoking restrictions in the municipalities listed in 11-410 (b)~~
 - ~~(1) When all municipalities listed in 11-410 (b) enact ordinance requirements similar to this Article, the City Clerk shall provide for public notice through the appropriate communication methods and a communication to the City Council.~~
 - ~~(2) Such notice shall state that this article will apply to restaurants and other food service establishments after sixty (60) days from the date of the notice.~~
 - ~~(3) The City Attorney may provide guidance regarding the interpretation and application of the requirements of this section to determine when the provisions of 11-410(b) shall come into effect.~~



ADMINISTRATION DEPARTMENT

**Council Meeting Date: June 16, 2008
Council Committee Meeting Date: June 2, 2008**

COU2008-38: Consider Resolution No. 2008-03 Supporting the Quarter Cent County Public Safety Sales Tax

RECOMMENDATION

Staff recommends passage of Resolution No. 2008-03.

COUNCIL ACTION REQUESTED ON June 16, 2008

SUGGESTED MOTION

Move that the Governing Body adopt Resolution No. 2008-03 supporting the quarter cent County public safety sales tax.

BACKGROUND

The economic development/school quarter cent sales tax in effect since 2002 will sunset on December 31, 2008. The ballot measure on August 5, 2008 will continue this quarter cent sales tax and dedicate the County's portion to public safety programs. The ballot measure does not include a sunset clause as the County feels that the cost of public safety programs and the administration of justice will continue to increase and the County is seeking a dedicated funding source for these programs. The City would receive a portion of the sales tax as determined by the distribution formula contained in State statutes. Staff estimates the 2009 revenue to be approximately \$485,000, including the related use tax.

Staff has included this funding source in the planning of the City's 2009 Budget. Staff had developed a list of one-time technology projects to be funded with the 2009 proceeds from this quarter cent sales tax. Uses for the proceeds in 2010 and beyond will be discussed during the 2010 Budget deliberations. If the tax does not pass, staff recommends funding the 2009 items with a 0.26 mill levy increase and re-publishing the budget in mid-August.

FUNDING SOURCE

No funding is required as this is a revenue source. The revenue would be transferred to the Equipment Reserve Fund. Any money remaining after the technology items are purchased would remain in the Equipment Reserve Fund.

RELATION TO VILLAGE VISION

Item 2.G. "Improving Public Facilities and Service Delivery"

ATTACHMENTS: Resolution No. 2008-03

Prepared By:
Karen Kindle
Finance Director
Date: May 31, 2008

CITY OF PRAIRIE VILLAGE

RESOLUTION NO. 2008-03

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, SUPPORTING RENEWAL AND CONTINUATION OF THE ONE-FOURTH (1/4) CENT COUNTYWIDE SALES TAX IN JOHNSON COUNTY, NOW SET TO EXPIRE ON DECEMBER 31, 2008, AND ENDORSING USE OF THE COUNTY'S REVENUE FROM THAT TAX FOR CAPITAL AND OPERATING COSTS RELATED TO PUBLIC SAFETY PROGRAMS OF THE COUNTY AND THE ADMINISTRATION OF JUSTICE.

WHEREAS, the governing body of the City of Prairie Village recognizes that public safety and the administration of justice are major priorities for the citizens and residents of the City and the County.

WHEREAS, public safety and the administration of justice are community-wide concerns, affecting all of the cities and residents throughout the county.

WHEREAS, the County Government does provide many community-wide services and facilities, including courts, the detention centers, community corrections, and juvenile justice, which are essential to public safety and the administration of justice for all residents of the city and the county.

WHEREAS, the Board of County Commissioners of Johnson County has proposed renewal and continuation of the one-fourth cent county-wide retail sales tax, set to expire on December 31, 2008, with the county's share of the proceeds to be used for capital and operating costs related to public safety programs of the county and the administration of justice, and that proposal is scheduled to be submitted to the voters at an election on August 5, 2008.

WHEREAS, the governing body of the City of Prairie Village believes that a reliable funding source is necessary to ensure public safety and the administration of justice for residents throughout the county and that renewal and continuation of the county's one-fourth of a cent countywide retailers' sales tax, dedicated for that purpose, is a prudent and reasonable method to provide that funding.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, that the City shall and hereby does support the renewal and continuation of the county's one-fourth of a cent countywide retailers' sales tax, now set to expire on December 31, 2008, and that the City does endorse the dedication and use of the county's share of the revenue from that tax for capital and operating costs related to public safety programs of the county and the administration of justice in Johnson County, Kansas, and that the City shall use the proceeds from the first year of the sales tax for technology projects, most of which are related to public safety.

ADOPTED by the Governing Body this ____ day of _____, 2008.

APPROVED AND SIGNED by the Mayor this ____ day of _____, 2008.

Ronald Shaffer, Mayor

ATTEST:

Joyce Hagen-Mundy, City Clerk

APPROVED AS TO FORM:

Catherine Logan, City Attorney



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: June 2, 2008

Council Meeting Date: June 2, 2008

**COU2008-40: CONSIDER PROJECT 190648: EI MONTE FOUNTAIN REPLACEMENT
DESIGN AGREEMENT**

RECOMMENDATION

On April 9, 2008, the Prairie Village Parks and Recreation Committee voted to recommend the City Council approve the design agreement with the Larkin Group for \$7000.00 for Project 190648: El Monte Fountain Replacement.

COUNCIL ACTION REQUESTED ON 2 JUNE 2008

BACKGROUND

The fountain is located in the island at the intersection of Oxford Road, El Monte Street and 69th Street. It is currently not functioning and the Homes Association requested that the City take over the ownership and perform necessary repairs or replacement. Public Works requested a design fee from the Larkin Group to replace this fountain. The estimated fee for construction and design is \$55,000 and there is currently \$30,000 in the budget under project 190648: El Monte Fountain. The Parks and Recreation Committee decided to recommend proceeding with the design and allow the Council to discuss where additional funding may be sought.

FUNDING SOURCE

Funds are available for design in the Capital Infrastructure Program under project 1908648 - El Monte Fountain.

RELATED TO VILLAGE VISION

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- CFS2b. Enhance parks for active and passive recreation through capital improvements such as landscaping, tree and flower planting, shelters, picnic facilities, athletic fields, etc.*
- CFS3a. Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.*
- TR3a. Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.*

ATTACHMENTS

1. Design Agreement with Larkin Group.

PREPARED BY

S Robert Pryzby, Director of Public Works
May 12, 2008

Pw

AGREEMENT FOR PROFESSIONAL ENGINEER

For

DESIGN SERVICES

Of

PROJECT 190648: EL MONTE FOUNTAIN REPLACEMENT

THIS AGREEMENT, made at the Prairie Village, Kansas, this ____ day of _____, _____ by and between the City of Prairie Village, Kansas, a municipal corporation with offices at 7700 Mission Road, Prairie Village, Kansas, 66208, hereinafter called the "City", and Larkin Group, a corporation with offices at 9200 Ward Parkway, Suite 400, Kansas City, Missouri, 64114, hereinafter called the "**Consultant**".

WITNESSED, THAT WHEREAS, City has determined a need to retain a professional engineering firm to provide civil engineering services for Design Services of Project 190648: El Monte Fountain Replacement.

AND WHEREAS, the City is authorized and empowered to contract with the Consultant for the necessary consulting services for the Project,

AND WHEREAS, the City has the necessary funds for payment of such services,

NOW THEREFORE, the City hereby hires and employs the Consultant as set forth in this Agreement effective the date first written above.

1. CITY RESPONSIBILITIES

- 1.1. The City has designated the Manager of Engineering Services, Mr. Thomas Trienens, to act as the representative for the City with respect to the services to be performed or furnished by the Consultant under this Agreement. This person shall have the authority to transmit instructions, receive information, interpret and define the City policies with respect to the Consultant's services for this Project.
- 1.2. The City shall make available to the Consultant all existing data and records relevant to the Project such as, maps, plans, correspondence files and other information possessed by the City that is relevant to the Project. Consultant shall not be responsible for verifying or ensuring the accuracy of any information or content supplied by City or any other Project participant unless specifically defined by the scope of work, nor ensuring that such information or content does not violate or infringe any law or other third party rights. However, Consultant shall promptly advise the City, in writing, of any inaccuracies in the information provided or any other violation or infringement of any law or third party rights that Consultant observes. City shall indemnify Consultant for any infringement claims resulting from Consultant's use of such content, materials or documents.
- 1.3. The City shall review for approval all criteria, design elements and documents as to the City requirements for the Project, including objectives, constraints, performance requirements and budget limitations.
- 1.4. The City shall provide copies of all existing standard details and documentation for use by the Consultant for the project.
- 1.5. The City shall diligently review all submittals presented by the Consultant.

2. CONSULTANT RESPONSIBILITIES

- a. The Consultant shall either perform for or furnish to the City professional civil engineering services and related services in all phases of the Project to which this Agreement applies as hereinafter provided.
- b. The Consultant shall serve as the prime professional Consultant for the City on this Project
- c. The standard of care for all professional consulting services and related services either performed for or furnished by the Consultant under this Agreement will be the care and skill ordinarily used by members of the Consultant's profession, practicing under similar conditions at the same time and in the same locality.
- d. Designate a person to act as the Consultant's representative with respect to the services to be performed or furnished by the Consultant under this Agreement. Such person shall have authority to transmit instructions, receive information, and make decisions with respect to the Consultant's services for the Project.

3. SCOPE OF CONSULTANT SERVICES

3.1 Upon receipt of notice to proceed from the City, the Consultant shall provide all consulting services related to this project including, but not limited, to these phases and tasks.

3.2 Preliminary Design

- 3.2.1 Schedule and attend one startup meeting with the City to confirm project goals, schedule, budget and expectations. Project number, budget and project philosophy will be discussed.
- 3.2.2 Review available plans, previous studies, and pertinent information regarding the Project with City staff.
- 3.2.3 Make on site field investigations as required, to define and to verify Project construction needs, limits, alignment, underground utilities, nature and extent of proposed Project. Special attention will be given to facilities, and other items needed to define clearly the Project intent.
- 3.2.4 Prepare a schematic plan.
- 3.2.5 Prepare preliminary documents for construction. Preliminary construction documents shall show the nature and extent of improvements, the conditions under which the Contractor shall work and the general conditions of contractual relations.
- 3.2.6 Preliminary plans shall include:
 - Cover Sheet
 - Typical Sections
 - Standard Detail Sheets
 - Special Detail Sheets
- 3.2.7 Present one set of preliminary plans each to the City and to the other appropriate governmental agencies and utility companies as required.
- 3.2.8 Prepare an estimate of probable cost detailing typical construction pay items, separate consulting costs, acquisition of land or easements. Add a contingency fee of 20 percent to the sum of the construction cost, consulting fees and other pertinent costs such as acquisition of either land or easement.
- 3.2.9 Keep minutes of all meetings and disperse to all attendees within five working days.
- 3.2.10 Conduct a field check of plans with City staff.

3.3 Final Design

Following review and approval of preliminary design phase by the City and after the City issues a notice to proceed with this phase; the Consultant shall proceed to provide these services:

- 3.4.1 Review the preliminary design documents.
- 3.4.2 Address any comments from preliminary review.
- 3.4.3 Finish design documents.
- 3.4.4 Add necessary standard and special details sheets.
- 3.4.5 Submit one set of final plans and specifications to the City and to other appropriate governmental agencies and utility companies.
- 3.4.6 Write legal descriptions for permanent and temporary right-of-way and easements. Provide two copies of each document to the City.
- 3.4.7 Prepare a final construction cost estimate, including a compilation of typical construction pay items with unit work quantities and current estimated cost estimates. Add a contingency of 15 percent to the sum of the construction cost, consulting fees and other pertinent costs such as acquisition of either land or easement.
- 3.4.8 After receiving the permits and approvals, prepare all bid documents using City standard contract documents.
- 3.4.9 Keep minutes of all meetings and disperse to all attendees with five work days.
- 3.4.10 Provide one hard copy and electronic copy of any report, or drawing in Microsoft Word or Excel.
- 3.4.11 Provide files of the plan or drawing in PDF Format.

3.4 Bidding Phase

Following final review by City staff and approval to proceed to bidding phase the Consultant shall undertake the following services:

- 3.5.1 Provide the City a notice of bid to Contractors for publication.
- 3.5.2 Mail notice to potential Contractors.
- 3.5.3 Provide to printing house, plans, bid documents, and specifications for purchasing by potential bidders.
- 3.5.4 Conduct a pre-bid meeting and answer questions as addenda to the contract bid.
- 3.5.6 Provide to the City a Consultant's estimate and bid tab sheet.
- 3.5.7 Attend bid opening and check all bids for accuracy.
- 3.5.8 Evaluate the bidders and make recommendation of award to the City.

4. TIME SCHEDULE

- 4.1 The Consultant's services and compensation under this Agreement have been agreed to in anticipation of orderly and continuous progress of the Project through completion of the Preliminary Design Phase, Final Design Phase and Bidding Phase.
- 4.2 If the City fails to give prompt written authorization to proceed with any phase of services after completion of the immediately preceding phase, the Consultant shall be entitled to equitable adjustment of rates and amounts of compensations to reflect reasonable costs incurred by the Consultant as a result of the delay or changes in the various elements that comprise such rates of compensation.
- 4.3 Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Consultant under this Agreement. Consultant shall be granted a reasonable extension of time for any delay in its performance caused by any

such circumstances.

- 4.4 Should such circumstances occur, the consultant shall, within a reasonable time of being prevented from performing, give written notice to the City describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.
- 4.5 The Consultant proposes to complete the scope of services as specified in the Scope of Services:

Preliminary Design Phase:	August 1, 2008
Final Design Phase:	September 1, 2008
Letting Date:	October 1, 2008

5 COMPENSATION

- 5.1 The City agrees to pay the Consultant as maximum compensation for the scope of services the following fees:

Total Fees.....\$7000.00

- 5.2 The compensation will be billed by Phase detailing the position, hours and appropriate hourly rates (which include overhead and profit) for Consultant's personnel classifications and Direct Non-Salary Costs.
- 5.3 The term "Direct Non-Salary Costs" shall include the Consultant payments in connection with the Project to other consultants, transportation, and reproduction costs. Payments will be billed to the City at actual cost. Transportation, including use of survey vehicle or automobile will be charged at the IRS rate in effect during the billing period. Reproduction work and materials will be charged at actual cost for copies submitted to the City.
- 5.4 All billings must be submitted monthly for all services rendered in the previous month. The Consultant will invoice the City on forms approved by the City. All properly prepared invoices shall be accompanied by a documented breakdown of expenses incurred. This documentation shall include personnel by job classification, hourly rate, number of hours, description of subconsultant services and detail list of Direct Non-Salary Costs.
- 5.5 The maximum fee shall not be changed unless adjusted by an Engineering Change Order mutually agreed upon by the City and the Consultant prior to incurrence of any expense. The Engineering Change Order will be for major changes in scope, time or complexity of Project.

6 GENERAL PROVISIONS

- 6.1 **Opinion of Probable Cost and Schedule:** Since the Consultant has no control over the cost of labor, materials or equipment furnished by Contractors, or over competitive bidding or market conditions, the opinion of probable Project cost, construction cost or project schedules are based on the experience and best judgment of the Consultant, but the Consultant cannot and does not guarantee the costs or that actual schedules will not vary from the Consultant's projected schedules.
- 6.2 **Quantity Errors:** Negligent quantity miscalculations or omissions because of the Consultant's error shall be brought immediately to the City's attention. The Consultant shall not charge the City for the time and effort of checking and correcting the errors to the City's satisfaction.

- 6.3 **Reuse of Documents:** All documents including the plans and specifications provided or furnished by the Consultant pursuant to this Agreement are instruments of service in respect of the Project. The Consultant shall retain an ownership and property interest upon payment therefore whether or not the Project is completed. The City may make and retain copies for the use by the City and others; however, such documents are not intended or suitable for reuse by the City or others as an extension of the Project or on any other Project. Any such reuse without written approval or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability to the Consultant. The City shall indemnify and hold harmless the Consultant from all claims, damages, losses and expenses including attorney's fees arising out of or resulting reuse of the documents.

In a similar manner, the Consultant is prohibited from reuse or disclosing any information contained in any documents, plans or specifications relative to the Project without the expressed written permission of the City.

- 6.4 **Insurance:** The Consultant shall procure and maintain, at its expense, the following insurance coverage: (a) Workers' Compensation -- Statutory Limits, with Employer's Liability limits of \$100,000 each employee, \$500,000 policy limit; (b) Commercial General Liability for bodily injury and property damage liability claims with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate; (c) Commercial Automobile Liability for bodily injury and property damage with limits of not less than \$1,000,000 each accident for all owned, non-owned and hired automobiles; (d) errors and omissions coverage of not less than \$1,000,000. Deductibles for any of the above coverage shall not exceed \$25,000 unless approved in writing by City. In addition, Consultant agrees to require all consultants and subconsultants to obtain and provide insurance in identical type and amounts of coverage together and to require satisfaction of all other insurance requirements provided in this Agreement.

6.4.1 Consultant's insurance shall be from an insurance carrier with an A.M. Best rating of A-DX or better, shall be on the GL 1986 ISO Occurrence form or such other form as may be approved by City, and shall name, by endorsement to be attached to the certificate of insurance, City, and its divisions, departments, officials, officers and employees, and other parties as specified by City as additional insureds as their interest may appear, except that the additional insured requirement shall not apply to Errors and Omissions coverage. Such endorsement shall be ISO CG2010 11/85 or equivalent. "Claims Made" and "Modified Occurrence" forms are not acceptable, except for Errors and Omissions coverage. Each certificate of insurance shall state that such insurance will not be canceled or coverage reduced until after thirty (30) days' unqualified written notice of cancellation or reduction has been given to the City, except in the event of nonpayment of premium, in which case there shall be ten (10) days' unqualified written notice. Subrogation against City and City's Agent shall be waived. Consultant's insurance policies shall be endorsed to indicate that Consultant's insurance coverage is primary and any insurance maintained by City or City's Agent is non-contributing.

6.4.2 Before Consultant performs any portion of the Work, it shall provide City with certificates and endorsements evidencing the insurance required by this Article. Consultant agrees to maintain the insurance required by this Article of a minimum of three (3) years following completion of the Project and, during such entire three (3) year period, to continue to name City, City's agent, and other specified interests as additional insureds thereunder.

6.4.3 Coverage shall contain a waiver of subrogation in favor of the City, and its subdivisions, departments, officials, officers and employees.

6.4.4 If due to the Consultant's negligent act, error or omission, any required item or component of the project is omitted from the Construction documents produced by the Consultant, the Consultant's liability shall be limited to the difference between the cost of adding the item at the time of discovery of the omission and the cost had the item or component been included in the

construction documents. The Consultant will be responsible for any retrofit expense, waste, any intervening increase in the cost of the component, and a presumed premium of 10% of the cost of the component furnished through a change order from a contractor to the extent caused by the negligence or breach of contract of the Consultant or its subconsultants.

- 6.5 **Termination:** This Agreement may be terminated by either party upon seven days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure the failure in a manner acceptable to the other party. Copies of all completed or partially completed designs, plans and specifications prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated, but it is mutually agreed by the parties that the City will use them solely in connection with this Project, except with the written consent of the Consultant (subject to the above provision regarding Reuse of Documents).
- 6.6 **Controlling Law:** This Agreement is to be governed by the laws of the State of Kansas.
- 6.7 **Indemnity:** To the fullest extent permitted by law, with respect to the performance of its obligations in this Agreement or implied by law, and whether performed by Consultant or any subconsultants hired by Consultant, the Consultant agrees to indemnify City, and its agents, servants, and employees from and against any and all claims, damages, and losses arising out of personal injury, death, or property damage, caused by the negligent acts, errors, or omissions of the Consultant or its subconsultants, to the extent and in proportion to the comparative degree of fault of the Consultant and its subconsultants. Consultant shall also pay for City's reasonable attorneys' fees, expert fees, and costs incurred in the defense of such a claim to the extent and in proportion to the comparative degree of fault of the Consultant and its subconsultants.
- 6.8 **Severability:** Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.
- 6.9 **Notices:** Any notice required under this Agreement will be in writing, addressed to the appropriate party at the address which appears on the signature page to this Agreement (as modified in writing from item to time by such party) and given personally, by registered or certified mail, return receipt requested, by facsimile or by a nationally recognized overnight courier service. All notices shall be effective upon the date of receipt.
- 6.10 **Successors and Assigns:** The City and the Consultant each is hereby bound and the partners, successors, executors, administrators, legal representatives and assigns of the City and the Consultant are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, legal representatives and assigns of such other party in respect of all covenants and obligations of this Agreement.

Neither the City nor the Consultant may assign, sublet, or transfer any rights under the Agreement without the written consent of the other, which consent shall not be unreasonably withheld; provided, Consultant may assign its rights to payment without Owner's consent, and except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Agreement.

Nothing in this Agreement shall be construed to create, impose or give rise to any duty owed by the Consultant to any Contractor, subcontractor, supplier, other person or entity or to any surety for or employee of any of them, or give any rights or benefits under this Agreement to anyone other than the City and the Consultant.

IN WITNESS WHEREOF: the parties hereto have executed this Agreement to be effective as of the date first above written.

City:

City of Prairie Village, Kansas

By: _____

Ronald L. Shaffer, Mayor

Address for giving notices:

City of Prairie Village
7700 Mission Road
Prairie Village, Kansas 66208

Telephone: 913-385-4600

Consultant:

Larkin Group`

By _____

William J. Cunningham

Address for giving notices:

Larkin Group
9200 Ward Parkway, Suite 400
Kansas City, Missouri 64114

Telephone: 816-361-0440

ATTEST:

Joyce Hagen Mundy, City Clerk

APPROVED AS TO FORM BY:

Charles E. Wetzler, City Attorney

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/22/08

PRODUCER nes Murphy-Kansas PC/Prof. Liability-Kansas City 55 Corporate Woods 9300 W 110th St Overland Park, KS 66210	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	INSURERS AFFORDING COVERAGE	
INSURED Larkin Group, Inc. 9200 Ward Parkway, Suite 400 Kansas City, MO 64114	INSURER A: Travelers Indem Co of CT	<div style="border: 2px solid black; padding: 5px; display: inline-block; font-size: 2em; font-weight: bold;">COPY</div> NAIC #
	INSURER B: Hartford Accident & Indem	
	INSURER C: Liberty International Underwriters	
	INSURER D: Charter Oak Fire Ins Co	
	INSURER E: Traveler Indemnity Co	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Broad Form <input type="checkbox"/> Contractual GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC	6807293L924	01/01/08	01/01/09	EACH OCCURRENCE	\$1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$300,000
						MED EXP (Any one person)	\$5,000
						PERSONAL & ADV INJURY	\$1,000,000
						GENERAL AGGREGATE	\$2,000,000
						PRODUCTS - COMP/OP AGG	\$2,000,000
D		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	BA7291L297	01/01/08	01/01/09	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
		<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC	\$
						AUTO ONLY: AGG	\$
E		EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$10000	CUP8109Y954	01/01/08	01/01/09	EACH OCCURRENCE	\$4,000,000
						AGGREGATE	\$4,000,000
							\$
							\$
							\$
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	37WBCAO6614	01/01/08	01/01/09	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER	
						E.L. EACH ACCIDENT	\$1,000,000
						E.L. DISEASE - EA EMPLOYEE	\$1,000,000
						E.L. DISEASE - POLICY LIMIT	\$1,000,000
C		OTHER Professional Liability	AEE1960650108	01/21/08	01/21/09	\$2,000,000 per claim	\$2,000,000 annl aggr

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER

City of Prairie Village
 7700 Mission Road
 Prairie Village, KS 66208

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Nicholas Henderson

LARKIN GROUP, INC
Billing Rate Schedule
Rates for January 1, 2008

Professional Services	BILLING RATE RANGE		
PRINCIPAL	\$160	to	\$210
ASSOCIATE	\$95	to	\$155
ASSOCIATE ENGINEER	\$90	to	\$125
ENVIRONMENTAL SCIENTIST	\$70	to	\$110
INTERN ENGINEER/ENGINEER IN TRAINING (IE/EIT)	\$70	to	\$105
PROJECT REPRESENTATIVE	\$60	to	\$100
DESIGN TECHNICIAN	\$80	to	\$130
CAD TECHNICIAN	\$50	to	\$95
LAND SURVEYOR	\$85	to	\$120
SURVEY PARTY CHIEF	\$60	to	\$80
ROD-INSTRUMENT OPERATOR	\$55	to	\$70
PROJECT RELATED SUPPORT SERVICES	\$45	to	\$110

Salary adjustments normally occur at approximately the end of each calendar year.

Equipment Charges:

AUTOMOBILE MILEAGE	\$ 0.505/mile
SURVEY VEHICLE MILEAGE	\$ 0.60/mile
GLOBAL POSITIONING SYSTEM	\$ 25.00/hour

REVISED @
1/14/08



May 12, 2008

Mr. Tom Trienens
Project Manager
Public Works
3535 Somerset
Prairie village, Kansas 66208

Re: El Monte Fountain Replacement

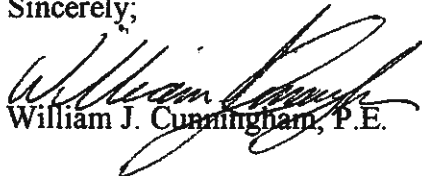
Dear Tom:

I have enclosed 4 copies of the agreement for engineering services for the above referenced project.

In the review conducted by our company insurance provider, there was a question regarding the indemnity clause 6.7. Our insurance Company Liberty International asked for clarification of the clause through the City Attorney Katie Logan and had a discussion about changing a few words to make sure the intent was clear. Ms. Logan said no changes would be allowed, so our insurer has asked that this letter be added to the contract that references this clause to the industry standard of having to determine professional negligence prior to costs being assessed.

If you have any questions regarding this, please feel free to call.

Sincerely;


William J. Cunningham, P.E.



POLICE PENSION BOARD

Council Meeting Date: June 16, 2008
Committee Meeting Date: June 2, 2008

COU2008-41: Consider 2008 Police Pension Plan Contribution

RECOMMENDATION

The Police Pension Board and the Finance Committee recommend the Council approve the Police Pension Plan funding option to implement the RP2000 Mortality Table 100% in 2008 and use contingency to fund the difference between the 2008 budget amount and the required contribution.

COUNCIL ACTION REQUESTED ON JUNE 16, 2008

SUGGESTED MOTION

Move to approve the Police Pension funding option to implement the RP2000 mortality table 100% in 2008 and use contingency to fund the \$90,000 difference between the budgeted amount and the required contribution.

BACKGROUND

In April 2007, SilverStone Group, the City's pension actuary, delivered the Police Pension Plan Actuarial Valuation Report and recommended that the Police Pension Board consider updating the mortality table assumption used to develop the valuation. The City's actuary explained that the current assumption utilizes the 1983 mortality table; however, this table does not reflect the longer life expectancy we are experiencing today. The City's actuary noted that not using an updated mortality table could understate the funding required each year. Capt. Schwartzkopf surveyed other public pension plans in the State to determine what mortality table they were using. All but one of the plans surveyed use the RP2000 table (the one that does not use the RP2000 table uses the 1983 table). The Police Pension Board voted at their October 11, 2007 meeting to implement the actuary's recommendation to use the RP2000 table.

In May 2008, the City's actuary presented options for the 2008 Police Pension Plan contribution which reflected various stages of implementing the new mortality table assumption. All of the options presented exceeded the amount budgeted for the contribution. The Police Pension Board presented the information to the Finance Committee seeking guidance on how to fund the additional contribution amount.

Both the Police Pension Board and the Finance Committee recommend implementing the RP2000 Mortality Table 100% in 2008 because implementing the table in stages will only make the implementation cost more expensive.

Required contribution for 2008, per recommendation: \$240,000
 Contribution amount included in the 2008 Budget: \$150,000
 Difference: \$ 90,000

Below is a history of contributions made to the plan since 1999.

**Police Pension Contributions
 1999 - 2009 Projected**

Year	Contribution	
1999	-	(1)
2000	-	(1)
2001	-	(1)
2002	-	(1)
2003	78,418	(2)
2004	92,381	(3)
2005	100,238	(3)
2006	126,271	(3)
2007	139,270	(3)
2008 Planned	240,000	
2009 Projected	220,000	

- (1) None contributed
- (2) Changed actuarial cost method fro the entry age normal method to the aggregate method.
- (3) 100% of required contribution was made.

The amount projected for 2009 is an estimate based on information provided by the City's actuary. Staff believes that this amount will be sufficient to fund the plan in 2009; however, many factors affect the final number and as the chart above demonstrates, the required amount could be higher.

FUNDING SOURCE

The 2008 Budget includes \$150,000 for the Police Pension contribution. Contingency is requested to fund the difference (\$90,000) between the budgeted amount and the contribution amount.

Prepared By:
 Karen Kindle
 Finance Director
 Date: May 29, 2008

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
June 2, 2008
7:30 p.m.**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PUBLIC PARTICIPATION**
- V. CONSENT AGENDA**

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

By Staff:

- 1. Approve Regular Council Meeting Minutes – May 5, 2008
- 2. Approve contracts for VillageFest 2008

VIII. STAFF REPORTS

IX. COMMITTEE REPORTS

Council Committee of the Whole – David Voysey

**COU2007-27 Consider Project 190864: 2008 Street Resurfacing Program
Construction Change Order #1**

**COU2007-27 Consider Project 190864: 2008 Street Resurfacing Program
Construction Change Order #2**

**COU2007-62 Consider Project 190863: Shawnee Mission East High School Parking
Lot Expansion**

COU2008-39 Consider Highway Rock Salt Bid Award

**COU2008-40 Consider Project 190648: El Monte Fountain Replacement Design
Agreement**

Planning Commission – Andrew Wang

**COU2008-35 Consider Amendment to Special Use Permit for Veterinary Clinic at 8823
Roe Ave**

**COU2008-36 Consider rezoning of 91st & Nall from R-1a (Single family residential) to
MXD (Mixed Use District)**

**COU2008-37 Consider Special Use Permit for wireless communication tower and
equipment compound at 4805 W 67th Street**

- X. OLD BUSINESS**
- XI. NEW BUSINESS**
- XII. ANNOUNCEMENTS**
- XIII. ADJOURNMENT**

If any individual requires special accommodations -- for example, qualified interpreter, large print, reader, hearing assistance -- in order to attend the meeting, please notify the City Clerk at 381-6464, Extension 4616, no later than 48 hours prior to the beginning of the meeting.

If you are unable to attend this meeting, comments may be received by e-mail at cityclerk@PVKANSAS.COM

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

June 2, 2008

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
MAY 5, 2008**

The City Council of Prairie Village, Kansas, met in regular session on Monday, May 5, 2008, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Al Herrera, Ruth Hopkins, David Voysey, Andrew Wang, Laura Wassmer, Dale Beckerman, David Morrison, Charles Clark and David Belz.

Also present were: Quinn Bennion, City Administrator; Katie Logan representing the City Attorney; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to City Administrator and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all those present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

No one was present to address the City Council.

City Administrator Quinn Bennion introduced Brian Jones, a Prairie Village resident who was selected to serve as the City's volunteer photographer by the City's Communications Committee. Mr. Jones would be attending city events to take pictures as well as take pictures for the web site, Village Voice and city brochures. Mr. Jones will cover approximately 30 city events. The city will provide a small stipend for his services.

CONSENT AGENDA

David Voysey moved the approval of the Consent Agenda for Monday, May 5, 2008:

1. Approve Regular Council Meeting Minutes - April 21, 2008
2. Claims Ordinance 2648
3. Approve the following contracts for VillageFest 2008:

Beaks N Wings	Exotic Birds	\$0
Clement McCrae Puppets	Puppet Show	\$850
Kansas City Chiefs	KC Wolf	\$600
Kansas City Royals	Sluggerrr	\$625
The Marching Cobras	Marching Cobras	\$750
Omni Entertainment	Jessica Horn Bank	\$1,200
Scott Klamm	Music Performance	\$250
Sister Act Face Painting	Face Painters	\$300
Vodvill Entertainment Company	Uncle Sam	\$500
Wacky Banana	Inflatables	\$1,800
4. Approve the agreement with Phil Jay for music and emcee services at the Mayor's Holiday Gala on December 5, 2008 for \$625.00.

A roll call vote was taken with the following members voting "aye": Herrera, Hopkins, Voysey, Wassmer, Beckerman, Clark, Morrison and Belz.

STAFF REPORTS

Public Safety - Chief Wes Jordan

- Chief Jordan reported the visit of the First Lady and her daughter to Prairie Village last week went well. The department cooperated with the secret service to provide security.
- The Briarwood School Traffic changes were implemented today with the cooperation of the school and PTO. The changes will be monitored for the remainder of the school year.

Public Works - Bob Pryzby

- On Saturday, May 3rd, the City celebrated Arbor Day with the planting of a tree in Franklin Park. Mayor Shaffer added that Mr. Pryzby was also recognized at that event for his efforts in the creation of the Tree Board and the city's receiving "Tree City" designations for the 12 years.
- The Island Committee met last week with 15 individuals from homes associations attending. A landscape architect was present to discuss the planting of flowers, what flowers should be planted, and where and how they should be planted. A list of recommended flowers for the islands was created.
- A letter has been received from the Prairie Ridge Homes Association releasing all responsibility for statues on islands in their homes association to the City.
- Johnson County Assessor is reviewing the ownership of islands for one homes association per a question from a resident. The Assessor has confirmed the island is in the City right-of-way and therefore City property as the right-of-way is dedicated to the City on the plat map.

- Roe Avenue was paved today. The contractor needs to do some minor clean-up and mark the street. Mr. Pryzby expects the roadway to be reopened by the end of the week.
- Mr. Pryzby reported Hodges was scheduled to have mill and overlay treatment; however, they have determined the subsurface to be inadequate and it has been moved into the street reconstruction project.
- Mr. Pryzby reported the City has been having problems with sprinklers when sidewalk and curb work is being done. Staff is suggesting a policy be approved prohibiting sprinklers from being placed in City right-of-way. He would like to see sprinklers placed one foot behind any sidewalks.
- Mr. Pryzby also noted they often receive complaints regarding sprinklers running across sidewalks during the day forcing residents off the sidewalk and into the street. He suggested when a permit was issued the hours of operation could be restricted.

David Morrison asked if the initial work on Hodges was done by the City or a private contractor. Mr. Pryzby responded mill and overlay were placed on the road approximately 15 years ago. The initial street was probably constructed by the developer. Mr. Morrison raised the possibility of going back to the contractor of the original street for damages. Mr. Pryzby noted the difficulty in identifying and finding those individuals and also noted he does not have the street specifications that were in place at that time on which to base action.

City Administration - Quinn Bennion

- At the last City Council meeting, it was stated during public participation that the City would be receiving a letter from the City Administrator of Mission regarding further discussions regarding the consolidation of police services. Mr. Bennion stated he had spoken with the City Administrator at Mission and was advised the City would not be receiving a letter from him at this time.

COMMITTEE REPORTS

75th Street Committee - Presentation by HNTB of 75th Street Study

Pat Daniels introduced Brian Comer with HNTB to provide an update on the neighborhood meeting regarding the possible redevelopment of the 75th Street Corridor on April 22nd. Approximately 100 people attended this meeting with one half of them having no involvement in the original Village Vision process. Prior to the meeting a bus tour of the 75th Street Corridor was taken by about 22 individuals to provide them a view of current conditions. The goal of this session was to gather information by listening. Several individuals arrived with concerns that the City had already determined what was going to be done and would be condemning their property. These concerns were

alleviated and they were assured nothing had been decided and their input was welcomed.

The discussion focused on the following topics:

- Land Use
- Transportation
- Pedestrian Connectivity
- Visual Enhancement
- Overall Vision

Discussion was held in small groups. Mr. Comer distributed and reviewed the comments received during the discussion.

HNTB is now working on the analysis of the comments, completing their market study of what is happening in the area, demographic information, infrastructure considerations and will develop and present multiple options for consideration by residents at meetings to be held June 17, 19 & 21st. These workshops will focus on the visioning stage. They will present the results of their market study, what other communities locally and nationally have done and case studies.

They will present three to five different visual concepts. Residents will be given a visual interactive survey where they will have the opportunity to identify and rate different options, land uses, define neighborhood scale, etc.

Based on the comments received in June, one proposal will be developed and presented in September with the final adoption of the study done in October.

Al Herrera expressed disappointment with the results of the meeting stating he felt it covered ground already covered and stated he had hoped for more. He wanted to see more vision. The City has been discussing this for two years, he was expecting to move more quickly.

Mr. Comer responded he felt it was very important to not present preconceived plans, he noted one half of those present were not involved in the Village Vision process and he felt it was important to get their input and involvement. Mrs. Hopkins agreed that

it was important to spend the time listening to residents. Many of the residents were frightened by what might happen to their property.

Mr. Comer stated the Village Vision discussions were broad based. It was important now that an area has been identified that the residents of that area have an opportunity to be involved in any proposed redevelopment. It is essential to have them engaged for the plan to be successful and the City retain its credibility.

Pat Daniels stated he suspects each city council member has a vision of what 75th Street should look like, now is the time to get the residents' vision and involvement. The first session was designed to search for input from the street level. Next, options will be viewed and the educational process will begin. "Visions" will be presented in April. Mr. Daniels encouraged the City Council to be actively involved and to invite others to participate as these meetings will formulate the plans to be presented. There is "no preconceived picture at this time".

Mayor Shaffer noted there are current openings on the 75th Street Steering Committee and asked interested Council members to contact him.

Council Committee of the Whole

COU2008-33 Consider Project 190708: Tomahawk Road Storm Drainage Improvements (Nall Avenue to Roe)

On behalf of the Council Committee of the Whole, David Voysey moved the City Council approve Construction Administration Change Order #1 (Final) with Shafer, Kline & Warren, Inc. for Project 190708: Tomahawk Storm Drainage Improvements (Nall Avenue to Roe Avenue) for an increase of \$34,664.60 bringing the final contract amount to \$221,664.50. The motion was seconded by Ruth Hopkins and passed unanimously.

Smoke-Free Task Force

Consider Recommendation from Smoke-Free Task Force regarding the City's Smoking Ordinance

David Belz stated the Smoke-Free Task Force met April 29th to reconsider the City's ordinance based on recent actions taken by other cities. He noted five of the six contiguous cities have passed no-smoking ordinances. The Task Force is recommending the City proceed with a full smoking ban in the city.

On behalf of the Smoke-Free Task Force, David Belz moved the City Council direct the City staff to prepare a draft of a full smoking ban in the City of Prairie Village. The motion was seconded by Charles Clark.

Al Herrera noted most of the city's restaurants have gone "no smoking" without the City passing a ban and questioned why a ban was needed at this time. He would like to see the democracy of letting the business owners determine their stance on smoking within their establishments. He would like to see Prairie Village go outside the box and not follow other cities, but allow our businesses to decide.

David Voysey stated he understands Mr. Herrera's comments, but he has not had one resident tell him they do not want the City to go non-smoking.

Mayor Shaffer added to not adopt an ordinance would place Johnny's and O'Neill's at a disadvantage.

Mr. Herrera noted the Blue Moose is non-smoking except from 9 p.m. to 1 a.m. He feels the lack of opposition is due to residents feeling it is inevitable so they no longer voice their opinion. He supports letting the business owners operate their businesses.

Ruth Hopkins stated she strongly supports the ban which has been recommended by the Task Force and expressed concern for the health of workers. E-mails she has received have been overwhelming in support of the smoking ban.

Mr. Herrera noted the support is not universal. The Kansas City decision was based on 53% of the voters.

The motion was voted on and passed by a vote of 7 to 2 with Herrera and Morrison voting “nay”.

Quinn Bennion stated the staff needs direction on the specifics of the ordinance. Mr. Belz responded the current ordinance speaks to the working environment and feels the only change needed is the inclusion of restaurants and clubs. Charles Clark suggested that consideration be given to the Overland Park and Leawood ordinances to have common regulations for the benefit of people.

Mayor Shaffer acknowledged the presence of Councilwoman Debbie Kring of the City of Mission.

May 19th meeting

Mayor Shaffer noted that we know of four council members would be absent from the May 19th City Council meeting. This would require all remaining Council members to be present in order to have a quorum. Mayor Shaffer stated he would follow-up on this to ensure a quorum was available for the meeting or make necessary arrangements.

NEW BUSINESS

Consider authorizing Staff to solicit bids for Cherokee Drive Traffic Calming

Bob Pryzby reported two years ago the City Council adopted a policy on traffic calming. Five different neighborhoods have used the policy to investigate concerns. One area did not qualify and the other four are at different stages in the process. Cherokee residents have completed the steps required by the policy and Mr. Pryzby is seeking authorization to go out to bid for their selected traffic calming resolution. He noted \$80,000 is in the Capital Improvement Program for traffic calming.

Laura Wassmer asked what they are doing. Mr. Pryzby responded they are placing three traffic tables along Cherokee - one south of 71st Street, one at 73rd Street and one north of the Cherokee intersection. Dale Beckerman asked if these devices are installed elsewhere in the area. Mr. Pryzby responded there is one in KC, MO at 70th

and one at the Sprint campus. Al Herrera asked if these would create any problem for emergency and/or police vehicles. Chief Jordan responded they looked at the ones installed at the Sprint campus and if constructed like those, there would not be any problems. He stressed these are designed to slow speed without causing damage to vehicles or the driver to lose control of their vehicle.

Mayor Shaffer stated the group has met all the conditions of the policy and he feels the City has an obligation to move forward.

Andrew Wang expressed concern with the request due to the length of Cherokee and the defined area only included residents on both sides of Cherokee and did not include residents on adjacent streets. He is concerned with the action creating problems on the adjacent streets from traffic seeking to avoid Cherokee. He envisioned the policy to require a broader definition of area and be more inclusive. Chief Jordan responded an engineering study was done of the area and he does not feel the traffic will be pushed to the next streets over. Andrew Wang asked how cut-through traffic was identified. Chief Jordan responded by vehicle tags. The tags of residents living on the street were identified. He noted Cherokee is a residential street that is not used as a residential street.

David Voysey confirmed this action only authorized getting bids. Laura Wassmer asked if a ballpark figure was available for the projected cost. Mr. Pryzby stated projected costs are \$30,000 to \$35,000. Chief Jordan stated the use of traffic tables has significantly reduced speed in areas. Mr. Pryzby added this group has worked well with him and Chief Jordan deliberately studying the issue and researching solutions. They worked to develop a city program, not a program designed for Cherokee.

David Belz moved the City Council authorize staff to secure bids for the Cherokee Drive traffic calming resolution. The motion was seconded by Ruth Hopkins and passed unanimously.

Consider Repairs to Bathhouse Roof

Bob Pryzby reported there are roof leaks in the concession area, the office area, the guard room and electrical room. Public Works staff has determined the leaks are primarily the result of winter ice damage in or near the metal recessed gutter. Staff attempted to repair leaks over the concession area last summer. Roofing companies are recommending the replacement of several rows of shingles with a membrane that would extend over the metal gutter.

The 2008 Swimming Pool Operating budget does not have sufficient funds for this repair. Staff is requesting a transfer of \$12,000 from the General Fund Contingency to the Swimming Pool Operating budget.

Mayor Shaffer confirmed \$12,000 would cover all the necessary work.

David Voysey moved the City Council approve the transfer of \$12,000 from the General Fund Contingency to Swimming Pool Operating budget for repairs to bathhouse roof. The motion was seconded by Ruth Hopkins and passed unanimously.

Executive Session.

David Voysey moved pursuant to KSA 75-4319(b)(6) that the Governing Body, recess into Executive Session for a period not to exceed twenty minutes for the purpose of discussing with the City Attorney preliminary discussions relating to the acquisition of real property.

Present will be the Mayor, City Council, Police Chief, City Administrator, PW Director, Assistant City Administrator, Finance Director, City Clerk, HR Specialist, Asst. to the City Administrator and City Attorney. The motion was seconded by Ruth Hopkins and passed unanimously.

Mayor Shaffer reconvened the meeting at 9:05 p.m. and called upon City Administrator Quinn Bennion to continue the presentation of the 2009 budget started during the earlier Council Committee of the Whole meeting. Laura Wassmer left.

Possible Fee Changes

Quinn Bennion noted staff is reviewing possible fee changes. These will be presented to the Council for consideration on June 16th. Those fees being reviewed are

- Building Permits
- Recreation Fees
- Reservation Fees
- Court Credit Card Fees
- Animal Confinement Fees
- License Fees
- Drainage & ROW Permits
- Others

He noted some of these fees have not been changed in 15 years. He is seeking fees that are appropriate and reasonable. David Voysey asked if rental properties were inspected. Mr. Bennion responded an exterior inspection was done by code enforcement prior to issuing a license. There are currently 684 licensed rental properties and the city is not capturing them all. Dale Beckerman asked the information include the last time the fee was changed. David Morrison asked the information also include a comparison to similar fees charged by other cities.

Service Enhancements

Staff is also reviewing enhancements to current services offered such as a recruitment video for the Police Department to assist in its recruiting process as well as recruitment software for HR. As discussed at the earlier Council Committee meeting, also being considered is Court and Council meeting security.

Technology Needs

Quinn Bennion noted in August the voters will vote on the proposed one-quarter percent "jail sales tax". Per the discussion by the Chair of the Commission, the cities will

receive 36% of the funds raised by the tax which is estimated to result in approximately \$500,000 in revenue for Prairie Village. After reviewing the city's technology needs, staff is recommending these funds be included in the 2009 budget and designated to pay for one-time technology/security upgrade projects. The 2010 budget discussion would include future plans for this revenue source.

Staff has identified the following technology/security needs:

- Records Management Software
- In-Car Video System Replacement
- Work Order Management Software
- In-Car Laptop Computer Replacement
- Microsoft Office 2007 upgrade
- Shooting Range (through Johnson County Co-op)
- Council Laptop Replacement
- Wireless Networking Cards for Laptops
- Upgrade T1 Data Transmission Line
- Building Improvements - Security
- Financial Software/Licensing Software
- Code Red
- Website Reconstruction

This will allow the city to catch-up with technology needs and address the security needs presented earlier this evening.

David Belz stated he felt this was a good use for these funds if they become available. Andrew Wang confirmed the current revenue received from this source is going into the Economic Development Fund and this would apply only to the funds received in 2009.

Charles Clark stated he likes the proposal as it identifies specific uses for the funds. He noted Johnson County wants cities to identify how they will spend their portion of the tax funds to help draw support for the tax. Quinn Bennion stated most of these items are big dollar items and support public safety and security needs.

Mayor Shaffer stated all of the cities are being asked by Johnson County to adopt a resolution of support for the continuation of the tax. Katie Logan noted the City of

Leawood passed their resolution of support two weeks ago. Mayor Shaffer stated this will be added to a future agenda.

Karen Kindle stated staff is meeting with Department Heads conducting a line item review of each department's proposed budget. On June 9th, the 2009 operating budget will be presented. This is a special meeting of the Council. At the June 16th Council Committee of the Whole the recommended CIP budget will be presented as well as discussion of Economic Development Fund and Village Vision items.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Board of Zoning Appeals	05/06/2008	6:30 p.m.
Planning Commission	05/06/2008	7:00 p.m.
Tree Board	05/07/2008	6:00 p.m.
Sister City	05/12/2008	7:00 p.m.
Park & Recreation Committee	05/14/2008	7:00 p.m.
Council Committee of the Whole	05/19/2008	6:00 p.m.
City Council	05/19/2008	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to feature a photography and ceramics exhibit by Marearl Denning in the R. G. Endres Gallery for the month of May. The reception will be held on May 9th from 6:30 to 7:30 p.m.

The Prairie Village swimming pool opens for the season on May 24th.

The City offices will be closed Monday, May 26th in observance of Memorial Day. Deffenbaugh also observes this holiday and trash pick-up will be delayed one day.

Prairie Village Gift Cards are on sale at the Municipal Building. This is a great way to encourage others to "Shop Prairie Village."

The 50th Anniversary books, Prairie Village Our Story, are being sold to the public.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 9:20 p.m.

Joyce Hagen Mundy
City Clerk



VILLAGEFEST COMMITTEE

Council Meeting Date: June 2, 2008

CONSENT AGENDA: Consider Approval of VillageFest Contracts

RECOMMENDATION

Staff recommends the City Council approve the following contracts for VillageFest 2008.

A-Z Exotic Animals	Petting Zoo & Pony Rides	\$1,750
All Seasons Tent Rental	Mainstage	\$671.25
Chris Cakes	Pancake Breakfast	\$3.50/person
Diane Robertson	VF Singer	\$100
Hiccup Productions, Inc.	Jim Cosgrove, Dino O'Dell	\$2,100
	Sound System	
HyVee	Food Vendor	Pay Vendor Fee

FUNDING SOURCE

VillageFest Fund

ATTACHMENTS

1. Contracts

PREPARED BY

Jeanne Koontz, Deputy City Clerk
May 27, 2008

ENTERTAINMENT/ VENDOR AGREEMENT

THIS ENTERTAINMENT/VENDOR AGREEMENT, (hereinafter "Agreement") is made and entered into this 5 day of May, 2008, by and between the City of Prairie Village, Kansas (hereinafter "the City") and A-Z Exotic Animal Entertainment, (hereinafter "Vendor").

WHEREAS, the City is sponsoring an event, entitled VillageFest, for the general public which is to be held on July 4, 2008; and

In consideration of the mutual promises and covenants contained herein, Vendor and City agree as follows:

1. Type of Space Provided: the Vendor shall specify the square footage required including facility foot print and clearance space outside the facility foot print:

40 x 40 Petting Zoo
30 x 30 Pony Rides
2. Type of Service Provided: the Vendor agrees to provide the following services:

Petting Zoo & Pony Rides
3. Hours of Operation: The Vendor shall provide services to the general public from 10:00 a.m. to 2:30 p.m. on July 4, 2008.
4. Access to Facilities:
 - a. Vendor shall have access to Vendor's location for set-up on July 3, 2008 and July 4, 2008 from 7:00 a.m. to 9:00 a.m. and for breakdown after 2:30 pm. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow.
 - b. Vendor shall furnish City a list of each equipment/facility showing the required electrical power in AC volts and AC amp, required water from a garden hose, required fencing, and required set V up/breakdown assistance specifying skills required, and any other special requirements as part of this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

5. Compensation: In consideration for the entertainment provided, the City shall pay to the Vendor the amount of \$1,750, to be paid on or before July 4, 2008 unless the event is canceled as provided in Section 6 of this agreement.
6. Cancellation of the Event: The City has full authority to cancel the event for any reason. In the event that the City cancels VillageFest, the City shall notify Vendor of the cancellation in a timely manner, and this Agreement shall be terminated.
7. Clean-Up: Vendor shall maintain its Vendor's Booth and/or operating areas in a neat, clean, sanitary condition and in good order and repair, free and clean of all litter, debris and rubbish at all times. Vendor shall be responsible for the clean up of its areas on an ongoing basis during the VillageFest and at the conclusion of business and conclusion of the VillageFest. Vendor's clean up responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in the designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate if Vendor has failed to maintain clean and sanitary conditions in and around Vendor's location.
8. Indemnity:
 - a. Vendor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting there from and (ii) is caused in whole or in part by any negligent act or omission of the Vendor, or any sub-contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph.
 - b. The Vendor is responsible for all items left on the VillageFest premises, including, but not limited to, those items left in and around Vendor's location before, during and after the hours of operation of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of equipment, cash and other items belonging to or in the possession of Vendor is on Vendor. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism spoilage, weather or any other cause.

- c. Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City.
 - d. Vendor shall furnish City with a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combines single limits of coverage of not less than \$1,000,000.00 per occurrence, with the City named as additional insured on such policies. **Copies of said certificate shall be provided to City on or before June 23, 2008.**
9. **Notification:** Notification and any other notices under this Agreement shall be made as follows:
- City Clerk
7700 Mission Road
Prairie Village, KS 66208
(913) 381-6464
10. **Staff:**
- a. Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.
 - b. Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages, be in possession of controlled substances, acting in a manner prohibited by state law or city ordinance, or conducting themselves in a manner detrimental to the event and the public attending when on duty at or in Vendor Booth.
 - c. Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees.
11. **Cancellation:** The City shall retain the right to cancel this Agreement at any time without penalty.
12. **Entire Agreement:** This Agreement evidences the entire agreement between the parties hereto and supersedes all prior agreements and understandings pertaining to VillageFest.
13. **Effective Date:** This Agreement is effective upon City's acceptance as evidence by the execution of this Agreement by City's authorized representatives in the space provided below.

CITY OF PRAIRIE VILLAGE

By: _____
(signed)

Ronald L. Shaffer

Mayor

City of Prairie Village

7700 Mission Road

Prairie Village, Kansas, 66208

913-381-6464

(date of execution)

ATTEST:

City Clerk, Joyce Hagen-Mundy

VENDOR

By: Janet E Kirkham
(signed)

Janet E Kirkham
(typed name)

Owner
(typed title)

A-Z Exotic's Mobile Petting Zoo & Pony Rides
(typed company name)

7907 E 233rd St
(typed address)

Peculiar MO 64078
(typed city, state, zip)

816-517-2254 / 816-779-6189
(typed telephone number)

(date of execution)

APPROVED BY:

City Attorney, Charles Wetzler

ENTERTAINMENT/VENDOR AGREEMENT

THIS ENTERTAINMENT/VENDOR AGREEMENT, (hereinafter "Agreement") is made and entered into this 08 day of May, 2008, by and between the City of Prairie Village, Kansas (hereinafter "the City") and All Seasons Party & Tent Rental, (hereinafter "Vendor").

WHEREAS, the City is sponsoring an event, entitled VillageFest, for the general public which is to be held on July 4, 2008; and

In consideration of the mutual promises and covenants contained herein, Vendor and City agree as follows:

1. Type of Space Provided: the Vendor shall specify the square footage required including facility foot print and clearance space outside the facility foot print:

2. Type of Service Provided: the Vendor agrees to provide the following services:
 - 1.) 30X40 Frame Tent
 - 2.) Sidewall Solid 10' X 30' Panel
 - 3.) Platform 4'X8' X 12/24" -- 8'X16'X12/24"
 - 4.) Leg Extensions

3. Hours of Operation. The Vendor shall provide services to the general public from 8a .m. to 12a .m. on July 4, 2008. Set-up and breakdown time is exclusive to the hours of operation.

4. Access to Facilities:
 - a. Vendor shall have access to Vendor's location for set-up and breakdown on Thursday, July 3, 2008 from 6a .m. to 9p .m. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow.
 - b. Vendor shall furnish City a list of each equipment/facility showing the required electrical power in AC volts and AC amp, required water from a garden hose, required fencing, required set-up/breakdown assistance specifying skills required, and any other special requirements as part of this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

5. **Compensation:** In consideration for the entertainment provided, the City shall pay to the Vendor the amount of \$671.25, to be paid on or before July 4, 2008 unless the event is canceled as provided in Section 6 of this agreement.
6. **Cancellation of the Event:** The City has full authority to cancel the event for any reason. In the event that the City cancels VillageFest, the City shall notify Vendor of the cancellation in a timely manner, and this Agreement shall be terminated.
7. **Clean-Up:** Vendor shall maintain its Vendor's Booth and/or operating areas in a neat, clean, sanitary condition and in good order and repair, free and clean of all litter, debris and rubbish at all times. Vendor shall be responsible for the clean up of its areas on an ongoing basis during the VillageFest and at the conclusion of business and conclusion of the VillageFest. Vendor's clean up responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in the designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate if Vendor has failed to maintain clean and sanitary conditions in and around Vendor's location.¹
8. **Indemnity:**
 - a. Vendor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting there from and (ii) is caused in whole or in part by any negligent act or omission of the Vendor, or any sub-contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph.
 - b. The Vendor is responsible for all items left on the VillageFest premises, including, but not limited to, those items left in and around Vendor's location before, during and after the hours of operation of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of equipment, cash and other items belonging to or in the possession of Vendor is on Vendor. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism spoilage, weather or any other cause.

- c. Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City.
 - d. Vendor shall furnish City with a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combines single limits of coverage of not less than \$1,000,000.00 per occurrence, with the City named as additional insured on such policies. Copies of said certificates shall be provided to City on or before June 23, 2008.
9. Notification: Notification and any other notices under this Agreement shall be made as follows:
- City Clerk
7700 Mission Road
Prairie Village, KS 66208
(913) 381-6464
10. Staff:
- a. Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.
 - b. Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages, be in possession of controlled substances, acting in a manner prohibited by state law or city ordinance, or conducting themselves in a manner detrimental to the event and the public attending when on duty at or in Vendor Booth.
 - c. Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees.
11. Cancellation: The City shall retain the right to cancel this Agreement at any time without penalty.
12. Entire Agreement: This Agreement evidences the entire agreement between the parties hereto and supersedes all prior agreements and understandings pertaining to VillageFest.
13. Effective Date: This Agreement is effective upon City's acceptance as evidence by the execution of this Agreement by City's authorized representatives in the space provided below.

CITY OF PRAIRIE VILLAGE

By: _____
(signed)

Ronald L. Shaffer

Mayor

City of Prairie Village

7700 Mission Road

Prairie Village, Kansas, 66208

913-381-6464

(date of execution)

ATTEST:

City Clerk, Joyce Hagen-Mundy

VENDOR

By Dave King
(signed)

Dave King

(typed name)

Sales Representative
(typed title)

All Seasons Party & Tent Rental
(typed company name)

12416 Grandview Rd.
(typed address)

Grandview Mo. 64030
(typed city, state, zip)

816 765-1444
(typed telephone number)

05/08/08
(date of execution)

APPROVED BY:

City Attorney, Charles Wetzler



All Seasons Party & Tent Rental - Conditions of Rental

Val Verhaalen

DEPOSIT and/or CANCELLATION: A non-refundable deposit of 25 % is required upon confirmation of the order unless you are set up on credit. Order balance is due 7 days prior to the date of delivery or customer pick up. If there is a cancellation after confirmation of the order, then a 25% restocking fee will be charged. If equipment is canceled less than 48 hours prior to delivery, then there will be a 50% restocking fee. If canceled on site, then 85% of the order will be charged. No credit will be given for unused items once delivered.

SITE PREPARATION: Customer agrees to have the site clean and clear of obstacles that prevent access or installation of the equipment. Customer agrees to an additional min. charge of \$30.00 per hour per man for any delay incurred, or additional labor performed by All Seasons, resulting from Customer's negligence. Same applies on the return. All Deliveries & Pickups are to be made on ground level. Stairs or Elevator may result in extra charges. All Seasons employees are not permitted to move house hold furniture.

SURFACE CONDITIONS: Customer agrees to inform All Seasons in writing of the existence of any underground pipes, cables, conduits, etc. that might interfere with the ability to stake or anchor the equipment. In the absence of such notice, All Seasons assumes that no underground obstructions exist. All Seasons is not responsible for damage to underground obstructions. Missouri Residents call 1-800-DIG RITE and Kansas Residents call 1-800-DIG SAFE. All Seasons will not be liable for surface damage from our trucks if our drivers have to drive on the property to reach the event set up site. When a tent is erected on asphalt, All Seasons will plug holes. (If filing is purchased) but do not warrant asphalt will be restored to original condition.

NECESSARY PERMITS & LICENSES Customer agrees prior to the installation of the equipment, to obtain, at the customer's expense, all necessary permits, licenses and other consents.

DELIVERY / PICK UP: If a customer waives their right to be present when the equipment is delivered and/or picked up, then all shortages will be deemed correct and customer will be billed for loss. All rentals are for one day use, unless otherwise arranged. Items are normally delivered the day before and picked up the day after (excluding Sundays and Holidays). In the event rental property is not returned, or is returned in a broken or otherwise damaged condition, customer will be charged for the replacement. No goods may be moved from the place of delivery without permission of All Seasons. Customer shall have all equipment available for pick up by All Seasons on the pick-up date listed under "Pick-up Date" on the delivery ticket. Failure to have said equipment available will subject customer to an additional rental charge for each day the equipment is not available for pick-up. All equipment is to be knocked down and stacked for pickup with the exception of tents. All china, glassware, flatware, and other food service equipment must be scraped and repacked in the same containers as delivered. Linen should be refuse-free and air-dried to prevent staining and mildewing. All Seasons shall not be required to install equipment outdoors anytime when rain, winds, etc. that make the work unsafe for All Seasons employees and/or the leased equipment. Additional charge will be assessed for damage to non-compliance.

PROPER USE: Customer will use the equipment only for the purpose for which it was manufactured, in a reasonable and safe manner, and in full compliance with all applicable federal, state and local laws, rules and regulations. Customer will discontinue use of the equipment if it is found to be defective, in need of repair or maintenance, or otherwise not properly functioning.

SECURITY: Customer is responsible for the security of equipment from installation through teardown. Customer hereby assumes all risk of loss and damage to the property from any cause whatsoever.

TENTS Although the vinyl fabrics of our tents are generally water repellent, they cannot be guaranteed to be waterproof. NO cooking is permitted in or under the Tent. The smoke & heat will permanently damage the tent. Should All Seasons be unable to furnish any of the listed Tents, in the exact sizes, or any other rental equipment, All Seasons reserves the right to upgrade the quality or find a substitute product. If All Seasons is required to install tents in an area it regards as too muddy, dry, unstable, or unsuited for the installation, All Seasons shall be the sole judge in it's decision to install the job. All Seasons reserves the right to remove or dismantle at it's sole discretion.

(a) anything within two feet of the top of the tent or within one foot of the sides

(b) fences, wires, boards, ect. attached to the side of poles of the tents that would interfere with adjusting and tightening of tents.

(c) any electric wires except to center and/or quarter poles of tents, and then only with tape or cord, and without using nails, screws, or bolts that would jeopardize the safety of the tent, the property around the tent or anyone in or near the tent.

In the event the leased property is damaged to the extent it unsafe, Lessee shall immediately cause humans, livestock and property to be removed thereof in the interest of safety. In the event the leased property is blown down or damaged in any manner, the rent shall be due and payable regardless.

Lessee agrees not to sublet, sell, pledge, loan, or part with the possession of the leased property, or mortgage the same, and to suffer no claims or encumbrance or liens to be made thereon. Lessee agrees not to prevent the lessor or his agents, at any time, to enter the leased premises of the lessee upon which the leased property is located, for the purpose of inspecting the leased property and its manner of use. In the event of a breach by the Lessee of any of its agreements herein contained, or if during the term of this agreement, or any extension thereof, bankruptcy or insolvency proceedings are commenced by or against the Lessee, or if receivers are appointed to take possession of the business of the Lessee or if the Lessee discontinues business all unpaid amounts to the end of the lease agreement or any extension of it shall be due immediately. All Seasons may enter the premises, forcibly if necessary, and take possession of and remove the leased property and thereby terminate all rights and interest of the lease therein.

All Seasons reserves the right to use photographs of the contracted job for marketing and advertising purposes.



All Seasons Party & Tent Rental - Conditions of Rental

WARRANTY WAIVER. Rental operator makes no warranty of suitability, merchantability, or fitness for any particular purpose, nor does rental operator make any warranty against interference, that the equipment is fit for customer's intended use or that it is free from defects (latent or patent). No warranties shall be deemed to exist with respect to the equipment, except as expressly set forth in this agreement. Accordingly, customer hereby waives any and all implied warranties. Customer's sole remedy for any failure of or defect in the equipment is termination of the rental at the time of the failure.

Customer acknowledges that the rental property is of a size, design and capacity selected by customer, and that All Seasons, has not made and does not make any representation, warranty, or covenant, express or implied with respect to the conditions, quality, durability or suitability of the property. All Seasons shall not be liable to customer for any loss or damage caused directly or indirectly by the rental property. Customer shall not deliver possessions of the rental property to any individual(s) other than All Seasons employee's, and shall require reasonable identification from such individual(s) prior to surrendering possessions.

HOLD HARMLESS: Customer is responsible for the loss or damage to Customer's property during this rental agreement. If weather is forecast which might damage the equipment or the tent(s), Customer is advised to remove their property from beneath or surrounding the tent(s). Customer understands and agrees that All Seasons is not responsible for loss or damage to your property or property of others in your control during the entire rental of the equipment. All Seasons shall not be liable and shall be held harmless in any manner for injuries or damage caused by persons or things falling over or coming in contact with ropes, stakes, or other supports of the tents or other leased equipment. All Seasons shall not be responsible for conditions brought about by the Acts of God, disturbances of nature, boycotts, labor troubles, contingencies of transportation, civil commotion's or other conditions beyond its control. Lessee assumes liability for, and shall indemnify, defend and hold harmless lessor, its agents, employees, officers, directors, successors, and assign from and against, any and all liabilities, obligations, losses, demands, damages, injuries (including, but not limited to, bodily injury, illness and death), claims, penalties, suits, actions cost and expenses, including attorneys fees, of whatsoever kind and nature, relating to or arising out of the use, condition, operation, ownership, selection, delivery, leasing, or return of the equipment, regardless of where, how, and by whom operated, or any failure on the part of the lessee to perform or comply with the conditions of this lease. Without limiting the generality of the foregoing, lessee shall, at its own cost and expense, defend lessor against all claims, suits or proceedings commenced by anyone in which lessor is named as a party for which lessor is alleged to be liable or responsible as a result of or arising out of the equipment, or any alleged act or omission by lessor, and lessee shall be liable and responsible for all costs, expense, and attorney's fees incurred in the defense and/or settlement, judgment, or other resolutions therefor. In the event any such action is commenced naming lessor as a party, lessor may, in it's sole discretion, elect to defend said action on it's own behalf with counsel of it's choice, and lessee shall be liable for and reimburse lessor for all costs, expense, and attorney's fees incurred by lessor in such defense. The indemnities and assumption of the liabilities and obligations herein provided for shall continue in full force and effect notwithstanding the expiration or other termination of the lease.

China/Glassware Rental Policy

- All china/glassware orders will incur an 8% damage waiver surcharge. Renter shall not be responsible for damage or destruction of the equipment rented except (1) Damage due to renter's neglect, misuse or abuse of equipment (2) Any loss due to mysterious disappearance or theft (3) Damages/shortages exceeding fifteen percent (15%) of the estimated replacement cost.
 - o This damage waiver will help cover broken or lost china/glassware that is discovered at the time of pickup.
 - o If china/glassware is returned and is found to be missing & not covered by the damage waiver, an additional charge will be applied and billed.
- All china must be scraped clean of all food and sauces.
 - o If not, additional charges may apply.
- All china/glassware should be placed back in the crates that they were delivered in.
 - o This means that no china/glassware should be mixed in the boxes or crates, it shall remain separated as it was delivered.
- All china/glassware should be placed in a central location and should be easy to locate and load.
 - o If the china order is not at one central location, an additional labor charge will apply. If All Seasons needs to return to pick up missed product, an additional pick up charge will apply.
- Every customer is required to make their own count of the china/glassware being returned before pickup in order to insure accuracy of damaged or lost goods.
 - o If you choose not to have a representative on site at the time of pickup, then all shortages will be deemed correct and the customer will be billed for the loss, and you will waive all right to dispute loss.

I have read the 2 pages above stating terms, conditions, specifications and prices are accepted by:

Signature (X) _____ Date _____

Customer Name Prado Village Club Hall Order #: 22322

Event Location/Address: 7799 Mission Rd Prado Village HO 68288 Delivery Date: 07/23/08

12416 Grandview Rd Grandview MD 64030 ph 816-765-1444 fax 816-767-0844

www.AllseasonsTentRental.com email sales@AllSeasonsTentRental.com

FOOD SERVICE AGREEMENT
VillageFest 2007

THIS FOOD SERVICE AGREEMENT is made and entered into by and between the City of Prairie Village, Kansas, a municipal corporation, hereinafter referred to as ("City") and Chris Cakes, hereinafter referred to as ("Vendor").

WHEREAS, City is sponsoring a 4th of July celebration within the City limits of Prairie Village, Kansas, for enjoyment of the general public, which event is entitled to "VillageFest 2008" (hereinafter "VillageFest") and

WHEREAS, the festivities of VillageFest shall include the sale to the general public of food items; and

WHEREAS, City is desirous of providing booth space to Vendor during VillageFest and further desires to ensure that services provided to the general public during VillageFest are of the appropriate quality.

NOW THEREFORE, in consideration of the mutual benefits to the parties, it is hereby agreed as follows:

ARTICLE 1

Scope, Duties and Hours of Operation

1.1 Vendor shall have the right to sell food items as supplied by Vendor from a food booth ("Vendor's Booth") located on the site of the VillageFest 2008, the location of which shall be determined by City.

1.2 The dates and hours of operation that Vendor may operate are as follows:
Date: July 4, 2008. Hours: Set up by 7:15 a.m.; Hours of Operation from 7:30 a.m. until 11:00 a.m.; Breakdown until 12:00 p.m.

ARTICLE 2

Financial Risk

2.1 Vendor acknowledges and agrees that City's prime objective in entering into this Agreement is to ensure the availability of quality food items at a reasonable cost to VillageFest patrons. City has made no representation or warranty to Vendor to the effect that Vendor's participation in the VillageFest will be profitable for Vendor. Vendor acknowledges and agrees that its participation in VillageFest is a demanding business opportunity that involves risk and requires considerable manpower and organizational leadership and further acknowledges that there is the potential for substantial loss. Vendor further acknowledges and agrees to accept sole responsibility for protecting itself against any and all forms or types of loss.

**ARTICLE 3
Rental Fee**

N/A 3.1 Vendor shall pay to City on or before June 23, 2008, a non-refundable rental fee of ~~\$175.00~~. Included with submission of the rental fee shall be an executed Food Service Agreement and a Proposal Sheet that shall set forth the food items and cost of said food items that Vendor desires to sell to the general public during VillageFest.

**ARTICLE 4
Signage**

4.1 Vendor shall provide signage for Vendor's Booth that shall legibly state organization or restaurant name, menu and prices. Signage is to be of professional quality and shall be subject to City's approval.

**ARTICLE 5
Equipment Provided by Vendor**

5.1 Vendor shall be responsible for providing all tables, chairs and equipment utilized by Vendor to serve food items to the general public. Vendor shall also be responsible for providing its own power source, i.e. a power generator.

**ARTICLE 6
Sanitary Condition of Vendor's Booth**

6.1 Vendor shall maintain Vendor's Booth and all surrounding operating area in a neat, clean and sanitary condition and in good order and repair, free and clear of all litter, debris and rubbish at all times. Vendor shall be responsible for the cleanup of Vendor's Booth on an ongoing basis during the VillageFest, at the conclusion of business and at the conclusion of VillageFest. Vendor's cleanliness responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate Vendor's Booth if Vendor fails to maintain clean and sanitary conditions in and around Vendor's Booth during the term of this Agreement.

**ARTICLE 7
Security and Risk of Loss**

7.1 Vendor is responsible for all items of personal property and/or inventory owned and/or utilized by Vendor throughout the term of this Agreement, including, but not limited to, those items left in and around Vendor's Booth during and after the hours of operation and at the conclusion of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of food items, equipment, cash and other items belonging to or in the possession of Vendor is Vendor's. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism, spoilage, weather or any other cause.

*We set up
in Pavilion*

7.2 Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City during VillageFest.

ARTICLE 8

Access to Facilities

8.1 Vendor shall have access to Vendor's Booth to set-up on July 4, 2008, from 6:00 a.m. to 7:30 a.m. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow. City shall not be responsible in the event of the towing of Vendor's vehicle(s).

8.2 Vendor shall furnish City a list of all equipment requiring electrical power prior to execution of this Agreement and shall attach any such list to this Agreement as Exhibit A. Exhibit A is hereby incorporated into this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

ARTICLE 9

Items Sold and Prices

9.1 The items sold by Vendor and the prices charged for these items shall be consistent with the family-oriented spirit of the VillageFest. Vendors must prepare a Proposal Sheet which sets forth all items Vendor desires to sell to the general public during VillageFest and the cost of said items prior to execution of this Agreement. Such proposal sheet shall be attached to this Agreement as Exhibit B. Exhibit B is hereby incorporated into this Agreement. Any amendments to Exhibit B must be approved by City in writing.

9.2 Vendor shall not serve free food to anyone at any time other than to volunteers, representatives, staff and employees of vendor.

9.3 All federal, state, and local laws governing retail sales tax must be followed. Vendor understands the rules and regulation of the event and will comply. Vendor realizes that failure to comply may result in expulsion from the event.

ARTICLE 10
Business Information

10.1 Notifications and any other notices under this Agreement shall be made as follows:

If to City:

City Clerk
7700 Mission Road
Prairie Village KS 66208
(913) 381-6464
(913) 381-7755

If to Vendor:

10.2 Vendor's Tax Identification Number is: #20-3893066

ARTICLE 11
Compliance With Laws

11.1 Vendor, all of Vendor's volunteers, representatives, staff and employees shall at all times during VillageFest comply with the laws of the State of Kansas and with City's ordinances, rules, regulations, and guidelines and shall at all times comply with all requests of the City or the City's representatives.

11.2 Vendor shall obtain all necessary permits and licenses in order to operate a Vendor Booth at VillageFest and shall provide copies of such permits and licenses to the City prior to June 23, 2008.

ARTICLE 12
Insurance and Hold Harmless

12.1 Vendor shall furnish to City a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combined single limits of coverage of not less than \$1,000,000.00 with the City named as an additional insured on such policies. Copies of said policies shall be provided to City on or before June 23, 2008.

12.2 Vendor agrees to assume all liability and responsibility for damages in any form or for costs associated with its activities. Specifically, Vendor agrees to indemnify and hold the City harmless from and against any claims for damages (including attorney's fees necessitated in defending such claims resulting from Vendor's actions, conduct or inaction, whether said claim is premised upon negligence or upon intentional misconduct. Vendor specifically agrees to indemnify and hold the City harmless from and against claims resulting from persons who suffer any sort of injury from the food ingested by such person and/or by virtue of the conditions of the premises located at Vendor's Booth.

ARTICLE 13

Staff

13.1 Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.

13.2 Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages when on duty at, in or near Vendor's Booth.

13.3 Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees and City shall not be responsible for injuries or bodily damage done to Vendor, Vendor's volunteers, employees, representatives and/or staff.

ARTICLE 14

Cancellation

14.1 City shall retain the right to cancel this Agreement at any time and for any reason without penalty. In the event this Agreement is canceled, Vendor shall not be entitled to a refund of Vendor's Rental Fee as set forth in this Agreement.

ARTICLE 15

Entire Agreement

15.1 This Agreement evidences the entire agreement between the parties hereto and supersedes any and all prior agreements and understandings between the parties pertaining to VillageFest.

ARTICLE 16

Effective Date

16.1 This Agreement is effective upon City's acceptance as evidenced by execution of this Agreement by a City authorized representative in the space provided below.

CITY OF PRAIRIE VILLAGE:

VENDOR:

By: _____

By: SAaml

Printed Name: _____

Printed Name: Steve Hamilton

Title: _____

Title: owner

Date: _____

Date: 5-9-08

PROPOSED FOOD ITEMS

<u>FOOD</u>	<u>PRICE</u>
<u>Pancakes sausage</u>	<u>\$3.50/person</u>
<u>coffee, tang and</u>	<u>_____</u>
<u>condiments.</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>

Due to the lack of power supply on the grounds we strongly encourage you to provide generators. If you cannot, electricity will be provided on a first come first serve basis. If any electrical items need to be plugged in, the following information is needed:

VOLTS 110 #OF OUTLETS 1
AMPERAGE 15 amp circuit

As a Vendor you are responsible for proper signage. This needs to be visible and also include prices. We will provide advertising, a map of the grounds, & signs throughout the grounds for direction.

When I have received all of the contracts I will confirm your participation. Information will be sent to you regarding your location on the Municipal Campus.

There is also NO ALCOHOL to be sold at the event!!!!

ENTERTAINMENT/ VENDOR AGREEMENT

THIS ENTERTAINMENT/VENDOR AGREEMENT, (hereinafter "Agreement") is made and entered into this 5 day of May, 2008, by and between the City of Prairie Village, Kansas (hereinafter "the City") and Diane Robertson, (hereinafter "Vendor").

WHEREAS, the City is sponsoring an event, entitled VillageFest, for the general public which is to be held on July 4, 2008; and

In consideration of the mutual promises and covenants contained herein, Vendor and City agree as follows:

1. Type of Space Provided: the Vendor shall specify the square footage required including facility foot print and clearance space outside the facility foot print:

2. Type of Service Provided: the Vendor agrees to provide the following services:
✓ Vocal performance at Patriotic Service

3. Hours of Operation: The Vendor shall provide services to the general public from 9:00 a.m. to 9:45 a.m. on July 4, 2008.
✓

4. Access to Facilities:
 - a. Vendor shall have access to Vendor's location on July 4, 2008 for set-up and breakdown between 7:00 a.m. and 10:30 a.m. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow.
 - b. Vendor shall furnish City a list of each equipment/facility showing the required electrical power in AC volts and AC amp, required water from a garden hose, required fencing, required set-up/breakdown assistance specifying skills required, and any other special requirements as part of this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

5. Compensation: In consideration for the entertainment provided, the City shall pay to the Vendor the amount of \$100, to be paid on or before July 4, 2008 unless the event is canceled as provided in Section 6 of this agreement.
✓

6. Cancellation of the Event: The City has full authority to cancel the event for any reason. In the event that the City cancels VillageFest, the City shall notify Vendor of the cancellation in a timely manner, and this Agreement shall be terminated.
7. Clean-Up: Vendor shall maintain its Vendor's Booth and/or operating areas in a neat, clean, sanitary condition and in good order and repair, free and clean of all litter, debris and rubbish at all times. Vendor shall be responsible for the clean up of its areas on an ongoing basis during the VillageFest and at the conclusion of business and conclusion of the VillageFest. Vendor's clean up responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in the designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate if Vendor has failed to maintain clean and sanitary conditions in and around Vendor's location.
8. Indemnity:
 - a. Vendor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting there from and (ii) is caused in whole or in part by any negligent act or omission of the Vendor, or any sub-contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph.
 - b. The Vendor is responsible for all items left on the VillageFest premises, including, but not limited to, those items left in and around Vendor's location before, during and after the hours of operation of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of equipment, cash and other items belonging to or in the possession of Vendor is on Vendor. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism spoilage, weather or any other cause.
 - c. Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City.

- d. Vendor shall furnish City with a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combines single limits of coverage of not less than \$1,000,000.00 per occurrence, with the City named as additional insured on such policies. **Copies of said certificate shall be provided to City on or before June 23, 2008.**
9. **Notification:** Notification and any other notices under this Agreement shall be made as follows:
- City Clerk
7700 Mission Road
Prairie Village, KS 66208
(913) 381-6464
10. **Staff:**
- a. Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.
- b. Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages, be in possession of controlled substances, acting in a manner prohibited by state law or city ordinance, or conducting themselves in a manner detrimental to the event and the public attending when on duty at or in Vendor Booth.
- c. Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees.
11. **Cancellation:** The City shall retain the right to cancel this Agreement at any time without penalty.
12. **Entire Agreement:** This Agreement evidences the entire agreement between the parties hereto and supersedes all prior agreements and understandings pertaining to VillageFest.
13. **Effective Date:** This Agreement is effective upon City's acceptance as evidence by the execution of this Agreement by City's authorized representatives in the space provided below.

CITY OF PRAIRIE VILLAGE

By: _____
(signed)

Ronald L. Shaffer _____

Mayor _____

City of Prairie Village _____

7700 Mission Road _____

Prairie Village, Kansas, 66208 _____

913-381-6464 _____

(date of execution)

ATTEST:

City Clerk, Joyce Hagen-Mundy

VENDOR

By: Diane Robertson _____
(signed)

Diane Robertson _____
(typed name)

VOCALIST _____
(typed title)

(typed company name)

10709 W. 131st St _____
(typed address)

OP, KS 66213 _____
(typed city, state, zip)

814-7231 (913) _____
(typed telephone number)

May 5, 2008 _____
(date of execution)

APPROVED BY:

City Attorney, Charles Wetzler

ENTERTAINMENT/ VENDOR AGREEMENT

THIS ENTERTAINMENT/VENDOR AGREEMENT, (hereinafter "Agreement") is made and entered into this 13 day of May, 2008, by and between the City of Prairie Village, Kansas (hereinafter "the City") and Hiccup Productions, Inc., (hereinafter "Vendor").

WHEREAS, the City is sponsoring an event, entitled VillageFest, for the general public which is to be held on July 4, 2008; and

In consideration of the mutual promises and covenants contained herein, Vendor and City agree as follows:

1. Type of Space Provided: the Vendor shall specify the square footage required including facility foot print and clearance space outside the facility foot print:

Same space as last year

- ✓ 2. Type of Service Provided: the Vendor agrees to provide the following services:

Jim "Mr. Stinky Feet" Cosgrove & The Hiccups!
Dino O'Dell & the Veloci-Rappers!
Mark Thies, Sound System

- ✓ 3. Hours of Operation: The Vendor shall provide services to the general public as follows: Dino O'Dell – 9:30 – 10:00 a.m., Jim Cosgrove – 10:00 – 11:00 a.m. and sound system – 9:00 a.m. – 2:00 p.m. on July 4, 2008.

4. Access to Facilities: (See Attached sheet)

- a. Vendor shall have access to Vendor's location on July 4, 2008 for set-up between 7:00 a.m. and 9:00 a.m. and for breakdown after 2:00 p.m. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow.
- b. Vendor shall furnish City a list of each equipment/facility showing the required electrical power in AC volts and AC amp, required water from a garden hose, required fencing, required set-up/breakdown assistance specifying skills required, and any other special requirements as part of this Agreement. Any amendments to Exhibit A must be approved by the City in writing.



5. Compensation: In consideration for the entertainment provided, the City shall pay to the Vendor the amount of \$2,100, to be paid on or before July 4, 2008 unless the event is canceled as provided in Section 6 of this agreement.

6. Cancellation of the Event: The City has full authority to cancel the event for any reason. In the event that the City cancels VillageFest, the City shall notify Vendor of the cancellation in a timely manner, and this Agreement shall be terminated.

7. Clean-Up: Vendor shall maintain its Vendor's Booth and/or operating areas in a neat, clean, sanitary condition and in good order and repair, free and clean of all litter, debris and rubbish at all times. Vendor shall be responsible for the clean up of its areas on an ongoing basis during the VillageFest and at the conclusion of business and conclusion of the VillageFest. Vendor's clean up responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in the designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate if Vendor has failed to maintain clean and sanitary conditions in and around Vendor's location.

8. Indemnity:
 - a. Vendor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting there from and (ii) is caused in whole or in part by any negligent act or omission of the Vendor, or any sub-contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph.

 - b. The Vendor is responsible for all items left on the VillageFest premises, including, but not limited to, those items left in and around Vendor's location before, during and after the hours of operation of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of equipment, cash and other items belonging to or in the possession of Vendor is on Vendor. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism spoilage, weather or any other cause.

- c. Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City.
- d. Vendor shall furnish City with a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combines single limits of coverage of not less than \$1,000,000.00 per occurrence, with the City named as additional insured on such policies. **Copies of said certificate shall be provided to City on or before June 23, 2008.**

9. Notification: Notification and any other notices under this Agreement shall be made as follows:

City Clerk
7700 Mission Road
Prairie Village, KS 66208
(913) 381-6464

✓ 10. Staff:

- a. Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.
- b. Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages, be in possession of controlled substances, acting in a manner prohibited by state law or city ordinance, or conducting themselves in a manner detrimental to the event and the public attending when on duty at or in Vendor Booth.
- c. Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees.

11. Cancellation: The City shall retain the right to cancel this Agreement at any time without penalty.

12. Entire Agreement: This Agreement evidences the entire agreement between the parties hereto and supersedes all prior agreements and understandings pertaining to VillageFest.

13. Effective Date: This Agreement is effective upon City's acceptance as evidence by the execution of this Agreement by City's authorized representatives in the space provided below.

CITY OF PRAIRIE VILLAGE

By: _____
(signed)

Ronald L. Shaffer _____

Mayor _____

City of Prairie Village _____

7700 Mission Road _____

Prairie Village, Kansas, 66208 _____

913-381-6464 _____

(date of execution)

ATTEST:

City Clerk, Joyce Hagen-Mundy

VENDOR

By Jennif Cosgrove _____
(signed)

Jennif Cosgrove _____
(typed name)

Booking Agent _____
(typed title)

Hiccup Productions _____
(typed company name)

PO BOX 8156 _____
(typed address)

Prairie Village KS 66208 _____
(typed city, state, zip)

913-219-4815 _____
(typed telephone number)

5/13/2008 _____
(date of execution)

APPROVED BY:

City Attorney, Charles Wetzler

Village Fest 2008

Additional requirements for Hiccup Productions:

Please make the check payable to **Hiccup Productions, Inc.**
Payment is due on, or before July 4th, 2008.
The total fee is \$2100

Please provide 1-2 able bodies to help unload and load the sound equipment from the van to the performance site.

Sound requirements:
2 - 20 amp circuits.
2 tables.

A third table is needed for merchandise sales. Please set along side the stage and we will find a place to set up. Hiccup Productions will staff the table.

**FOOD SERVICE AGREEMENT
VillageFest 2008**

THIS FOOD SERVICE AGREEMENT is made and entered into by and between the City of Prairie Village, Kansas, a municipal corporation, hereinafter referred to as ("City") and HyVee hereinafter referred to as ("Vendor").

WHEREAS, City is sponsoring a 4th of July celebration within the City limits of Prairie Village, Kansas, for enjoyment of the general public, which event is entitled to "VillageFest 2008" (hereinafter "VillageFest") and

WHEREAS, the festivities of VillageFest shall include the sale to the general public of food items; and

WHEREAS, City is desirous of providing booth space to Vendor during VillageFest and further desires to ensure that services provided to the general public during VillageFest are of the appropriate quality.

NOW THEREFORE, in consideration of the mutual benefits to the parties, it is hereby agreed as follows:

ARTICLE 1

Scope, Duties and Hours of Operation

1.1 Vendor shall have the right to sell food items as supplied by Vendor from a food booth ("Vendor's Booth") located on the site of the VillageFest 2008, the location of which shall be determined by City.

1.2 The dates and hours of operation that Vendor may operate are as follows:
Date: July 4, 2008. Hours: Set up between 7:00 and 9:00 a.m.; Hours of Operation from 10:30 a.m. until 2:30 p.m.; Breakdown after 2:30 p.m.

ARTICLE 2

Financial Risk

2.1 Vendor acknowledges and agrees that City's prime objective in entering into this Agreement is to ensure the availability of quality food items at a reasonable cost to VillageFest patrons. City has made no representation or warranty to Vendor to the effect that Vendor's participation in the VillageFest will be profitable for Vendor. Vendor acknowledges and agrees that its participation in VillageFest is a demanding business opportunity that involves risk and requires considerable manpower and organizational leadership and further acknowledges that there is the potential for substantial loss. Vendor further acknowledges and agrees to accept sole responsibility for protecting itself against any and all forms or types of loss.

2008-08-14 10:41

**ARTICLE 3
Rental Fee**

3.1 Vendor shall pay to City on or before June 23, 2008, a non-refundable rental fee of \$175.00. Included with submission of the rental fee shall be an executed Food Service Agreement and a Proposal Sheet that shall set forth the food items and cost of said food items that Vendor desires to sell to the general public during VillageFest.

**ARTICLE 4
Signage**

4.1 Vendor shall provide signage for Vendor's Booth that shall legibly state organization or restaurant name, menu and prices. Signage is to be of professional quality and shall be subject to City's approval.

**ARTICLE 5
Equipment Provided by Vendor**

5.1 Vendor shall be responsible for providing all tables, chairs and equipment utilized by Vendor to serve food items to the general public. Vendor shall also be responsible for providing its own power source, i.e. a power generator.

**ARTICLE 6
Sanitary Condition of Vendor's Booth**

6.1 Vendor shall maintain Vendor's Booth and all surrounding operating area in a neat, clean and sanitary condition and in good order and repair, free and clear of all litter, debris and rubbish at all times. Vendor shall be responsible for the cleanup of Vendor's Booth on an ongoing basis during the VillageFest, at the conclusion of business and at the conclusion of VillageFest. Vendor's cleanliness responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate Vendor's Booth if Vendor fails to maintain clean and sanitary conditions in and around Vendor's Booth during the term of this Agreement.

**ARTICLE 7
Security and Risk of Loss**

7.1 Vendor is responsible for all items of personal property and/or inventory owned and/or utilized by Vendor throughout the term of this Agreement, including, but not limited to, those items left in and around Vendor's Booth during and after the hours of operation and at the conclusion of the VillageFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of food items, equipment, cash and other items belonging to or in the possession of Vendor is Vendor's. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism, spoilage, weather or any other cause.

7.2 Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City during VillageFest.

ARTICLE 8

Access to Facilities

8.1 Vendor shall have access to Vendor's Booth on July 4, 2008 for set-up from 7:00 a.m. to 9:00 a.m. and for breakdown after 2:30 p.m. Vendor's vehicle(s) must be removed from the VillageFest grounds within one hour after the end of this time period or the vehicle(s) will be subject to tow. City shall not be responsible in the event of the towing of Vendor's vehicle(s).

8.2 Vendor shall furnish City a list of all equipment requiring electrical power prior to execution of this Agreement and shall attach any such list to this Agreement as Exhibit A. Exhibit A is hereby incorporated into this Agreement. Any amendments to Exhibit A must be approved by the City in writing.

ARTICLE 9

Items Sold and Prices

9.1 The items sold by Vendor and the prices charged for these items shall be consistent with the family-oriented spirit of the VillageFest. Vendors must prepare a Proposal Sheet which sets forth all items Vendor desires to sell to the general public during VillageFest and the cost of said items prior to execution of this Agreement. Such proposal sheet shall be attached to this Agreement as Exhibit B. Exhibit B is hereby incorporated into this Agreement. Any amendments to Exhibit B must be approved by City in writing.

9.2 Vendor shall not serve free food to anyone at any time other than to volunteers, representatives, staff and employees of vendor.

9.3 All federal, state, and local laws governing retail sales tax must be followed. Vendor understands the rules and regulation of the event and will comply. Vendor realizes that failure to comply may result in expulsion from the event.

**ARTICLE 10
Business Information**

10.1 Notifications and any other notices under this Agreement shall be made as follows:

If to City:

City Clerk
7700 Mission Road
Prairie Village KS 66208
(913) 381-6464
(913) 381-7755

If to Vendor:

10.2 Vendor's Tax Identification Number is: 420325638

**ARTICLE 11
Compliance With Laws**

11.1 Vendor, all of Vendor's volunteers, representatives, staff and employees shall at all times during VillageFest comply with the laws of the State of Kansas and with City's ordinances, rules, regulations, and guidelines and shall at all times comply with all requests of the City or the City's representatives.

11.2 Vendor shall obtain all necessary permits and licenses in order to operate a Vendor Booth at VillageFest and shall provide copies of such permits and licenses to the City prior to June 23, 2008.

**ARTICLE 12
Insurance and Hold Harmless**

12.1 Vendor shall furnish to City a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combined single limits of coverage of not less than \$1,000,000.00 with the City named as an additional insured on such policies. Copies of said certificate shall be provided to City on or before June 23, 2008.

12.2 Vendor agrees to assume all liability and responsibility for damages in any form or for costs associated with its activities. Specifically, Vendor agrees to indemnify and hold the City harmless from and against any claims for damages (including attorney's fees necessitated in defending such claims resulting from Vendor's actions, conduct or inaction, whether said claim is premised upon negligence or upon intentional misconduct. Vendor specifically agrees to indemnify and hold the City harmless from and against claims resulting from persons who suffer any sort of injury from the food ingested by such person and/or by virtue of the conditions of the premises located at Vendor's Booth.

ARTICLE 13

Staff

13.1 Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the VillageFest.

13.2 Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages when on duty at, in or near Vendor's Booth.

13.3 Vendor and its employees are independent contractors and are not employees, servants or agents of VillageFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees and City shall not be responsible for injuries or bodily damage done to Vendor, Vendor's volunteers, employees, representatives and/or staff.

ARTICLE 14

Cancellation

14.1 City shall retain the right to cancel this Agreement at any time and for any reason without penalty. In the event this Agreement is canceled, Vendor shall not be entitled to a refund of Vendor's Rental Fee as set forth in this Agreement.

ARTICLE 15

Entire Agreement

15.1 This Agreement evidences the entire agreement between the parties hereto and supersedes any and all prior agreements and understandings between the parties pertaining to VillageFest.

ARTICLE 16

Effective Date

16.1 This Agreement is effective upon City's acceptance as evidenced by execution of this Agreement by a City authorized representative in the space provided below.

CITY OF PRAIRIE VILLAGE:

VENDOR:

By: _____

By: 

Printed Name: _____

Printed Name: Travis Jilley

Title: _____

Title: Manager of Store Operations

Date: _____

Date: 5/12/2008

PROPOSED FOOD ITEMS

<u>FOOD</u>	<u>PRICE</u>
Hot Dog	1 ⁵⁰
Bratwurst	2 ⁰⁰
Hamburger	2 ⁰⁰
Cheeseburger	2 ⁵⁰
Veggie Burger	2 ⁰⁰
Big Bag Frito Chips	1 ⁰⁰
Large Brownies	1 ⁰⁰
Bottled Water	50¢
Bottled Gatorade	1 ⁰⁰
12oz Canned Sodas	50¢

Due to the lack of power supply on the grounds we strongly encourage you to provide generators. If you cannot, electricity will be provided on a first come first serve basis. If any electrical items need to be plugged in, the following information is needed:

As of today we don't plan on using any power.

VOLTS _____
 AMPERAGE _____

#OF OUTLETS _____

As a Vendor you are responsible for proper signage. This needs to be visible and also include prices. We will provide advertising, a map of the grounds, & signs throughout the grounds for direction.

When I have received all of the contracts I will confirm your participation. Information will be sent to you regarding your location on the Municipal Campus.

There is also NO ALCOHOL to be sold at the event!!!!

**COUNCIL COMMITTEE OF THE WHOLE
ACTION REQUESTED
06/02/2008**

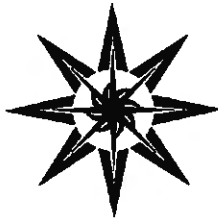
Council Committee of the Whole - David Voysey

COU2007-27 Consider Project 190864: 2008 Street Resurfacing Program
MOVE THE CITY COUNCIL APPROVE CONSTRUCTION CHANGE ORDER #1 WITH O'DONNELL & SONS CONSTRUCTION FOR AN INCREASE OF \$241,750.20 AND APPROVE CONSTRUCTION CHANGE ORDER #2 FOR AN INCREASE OF \$69,183.90 TO PROJECT 190864: 2008 STREET RESURFACING PROGRAM BRINGING THE FINAL CONTRACT AMOUNT TO \$1,942,450.40.

COU2007-62 Consider Project 190863: Shawnee Mission East High School Parking Lot Expansion
MOVE THE CITY COUNCIL APPROVE THE TRANSFER OF \$117,000.00 FROM THE ECONOMIC DEVELOPMENT FUND TO THE CAPITAL IMPROVEMENT FUND (PROJECT 190863: SME HIGH SCHOOL PARKING LOT EXPANSION) FOR DESIGN, CONSTRUCTION, CONSTRUCTION ADMINISTRATION AND TESTING SERVICES.

COU2008-39 Consider Highway Rock Salt Bid Award
MOVE THE CITY COUNCIL AWARD THE HIGHWAY ROCK SALT BID TO CARGILL, INC FOR THE 2008-2009 WINTER SEASON WITH A UNIT PRICE OF \$44.06 PER TON

COU2008-40 Consider Project 190648: El Monte Fountain Replacement Design Agreement
MOVE THE CITY COUNCIL APPROVE THE DESIGN AGREEMENT WITH THE LARKIN GROUP FOR \$7,000.00 FOR PROJECT 190648: EL MONTE FOUNTAIN REPLACEMENT



PLANNING COMMISSION

Council Committee Meeting Date:
Council Meeting Date: June 2, 2008

COU2008-35 Consider Amendment to Special Use Permit for Veterinary Clinic

RECOMMENDATION

Recommend the City Council adopt Ordinance 2167 amending the Special Use Permit to allow the expansion of a veterinary clinic at 8823 Roe Avenue to include suite 8825 Roe Avenue subject to the conditions recommended by the Planning Commission.

BACKGROUND

The Somerset Veterinary Clinic has been operating at 8823 Roe Avenue under a Special Use Permit issued by the City since July 1, 1991. On May 6, 2008, the Planning Commission held a public hearing on an application to expand the Special Use Permit to include the adjacent suite at 8825 Roe Avenue. This would increase the square footage of the use by approximately 2,888 square feet. There will be no exterior changes to the building. The additional suite will add two additional exam rooms, a state of the art surgical suite and radiology and treatment rooms. The boarding of animals is limited to treatment and observation

The City has not received any complaints from neighboring properties regarding the use and no opposition appeared at the public hearing or at a neighborhood meeting held by the applicant.

RELATED TO VILLAGE VISION

PRS1B Encourage the development of small, independent businesses.

ATTACHMENTS

Planning Commission minutes of May 6, 2008
Staff Report & Application for PC2008-04
Authorization from Property Owner & letter from Dr. Kraus
Proposed Ordinance

PREPARED BY

Joyce Hagen Mundy
City Clerk
Date: May 21, 2008

**PLANNING COMMISSION MINUTES
MEETING OF MAY 6, 2008**

**PC2008-04 Request for Amendment to Special Use Permit
For Veterinary Clinic
8825 Roe Avenue
Zoning: CP-1**

Charles Macheers, 21704 West 67th Terrace, Shawnee, addressed the Commission representing the applicant Dr. Kent Kraus. On July 1, 1991, the City Council approved a Special Use Permit for a Veterinary Clinic at 8823 Roe Avenue for a period of two years. The clinic is located in a strip center and occupies approximately 1,195 square feet. On June 21, 1993, a Special Use Permit was approved by the City Council to renew the Veterinary Clinic use at 8823 Roe Avenue.

Dr. Kraus has been asked if he was interested in leasing the suite next to his current office at 8823 Roe Avenue, for which a Special Use Permit has been granted for the operation of a veterinary clinic. Expansion of his clinic into 8825 Roe requires an amendment to the existing Special Use Permit.

The applicant is requesting an amendment to the Special Use Permit to expand the use into suite 8825 Roe Avenue which is adjacent to the south. This would increase the square footage of the use by approximately 2,888 square feet. This suite is currently vacant. There will be no exterior changes to the building. All changes will be within the existing building envelope. The applicant intends to add two additional exam rooms; a state of the art surgical suite and radiology and treatment rooms.

Mr. Macheers stated he does not anticipate any increase in parking or traffic. This is a low intensity use. The boarding of animals is limited to treatment and observation.

A neighborhood meeting was held on April 14th with three residents attending. They were concerned with possible exterior changes to the site. When advised no exterior changes would be made, they were supportive of the application.

No one was present at the public hearing to speak on this application. The public hearing was closed at 11:40 p.m.

Ken Vaughn confirmed the conditions of approval recommended by staff are the same as the existing permit.

Mr. Williamson stated he felt this would be a good use of this site and good for the area.

The Planning Commission considered the following findings of fact:

1. The proposed special use complies with all applicable provisions of these regulations including intensity of use regulations, yard regulations and use limitations.

The proposed special use for the Veterinary Clinic is the expansion of an existing use which is contained within an existing building which is in compliance with the zoning regulations.

2. The proposed special use at the specified location will not adversely effect the welfare or convenience of the public.

The existing Veterinary Clinic has not caused any adverse effects on the welfare or convenience of the public. The expansion will be operated the same way and therefore should also not cause any adverse effects.

3. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

The proposed Veterinary Clinic, will be located within an existing structure, and will not create any problems for the adjacent property in the neighborhood. This will be the expansion of an existing use that has operated at this location since 1991 and has not adversely affected the value of property in the neighborhood.

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use permit will so dominate the immediate neighborhood, consideration shall be given to: a) the location size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.

The proposed Special Use Permit is for the expansion of an existing use that is within an existing building. This is a very low intensity use and it will not dominate the area or hinder development. The neighborhood is already fully developed.

5. Off street parking and loading areas will be provided with standards set forth in these regulations, and areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.

There is not a specific parking standard in the ordinance for Veterinary Clinics so one space must be provided for each 250 square feet of floor area. The building contain approximately 6,785 square feet which requires 28 off-street parking spaces. There are 31 spaces provided on the site, so it meets the zoning regulations. There is a fence behind the building that screens the off-street parking in the rear.

6. Adequate utility, drainage and other necessary utilities have been or will be provided.

Since this use will be occupying an existing facility, utility services are already provided.

7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.

Adequate entrance and exit drives currently exist at the facility and this proposed special use will utilize the existing infrastructure that is already in place.

8. **Adjoining properties will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**

This Special Use Permit will be the expansion of an existing clinic and any hazardous materials, processes, odors or intrusive noises that accompany it shall be mitigated.

9. **Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed structure is to be built or located.**

The proposed special use will not require any changes in the exterior architecture or style of the existing building.

Marlene Nagel moved the Planning find favorably on the factors and recommend approval of the expansion of the Veterinary Clinic to suite 8825 Roe Avenue to the City Council subject to the following conditions:

1. The Holder of this Special Use Permit comply with all of the provisions of Chapter 19.28 of the Prairie Village Municipal Code pertaining to special uses.
2. That the property will not be used in any manner that is in conflict with the ordinances of the City of Prairie Village, Kansas, statutes of the State of Kansas, and any and all other applicable laws and regulations.
3. The City shall at all times retain jurisdiction of determining if the actual use of the property complies with the uses as defined in said Ordinance, with the requirements of the Prairie Village Planning Commission and with representations made at the time of the public hearing on said application, including, but not limited to, that boarding of animals will be limited only to medical care and observation.
4. That the permission hereby granted to operate a veterinary clinic on the above-described property shall automatically and without further notice expire upon the termination of the lease to provide veterinary services at the above referenced location.
5. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

The motion was seconded by Randy Kronblad and passed unanimously.

OTHER BUSINESS

The Secretary announced the June agenda would include the continued request for a building line modification if it is not resolved by the applicant and a request for a building line modification for the construction of a garage at 4306 West 89th Street from 60 feet to 48 feet.

Ron Williamson stated the City Council has directed the Planning Commission to review the current cell tower policy and stated he would begin researching that and present information for consideration. Commission members felt that should not be considered until the current application has been completely resolved by the City Council.

ADJOURNMENT

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 11:50 p.m.

Ken Vaughn
Chairman



BWR | Right in the Center

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, BWR, Planning Consultant
SUBJECT: PC 2008-04: Request to Amend a Special Use Permit for the Expansion of a Veterinary Clinic at 8825 Roe Avenue
DATE: May 6, 2008 **BWR Project # 2008-0024.01**

COMMENTS:

On July 1, 1991, the City Council approved a Special Use Permit for a Veterinary Clinic at 8823 Roe Avenue for a period of two years. The clinic is located in a strip center and occupies approximately 1,195 square feet. On June 21, 1993, a Special Use Permit was approved by the City Council to renew the Veterinary Clinic use at 8823 Roe Avenue.

No one appeared at the public hearing and no complaints had been recorded during the two year period. The Special Use Permit was approved to run conterminous with the lease rather than for a specific period of time. Six conditions were attached which are as follows:

1. The Holder of this Special Use Permit comply with all of the provisions of Chapter 19.26 of the Prairie Village Municipal Code pertaining to special uses.
2. That the property will not be used in any manner that is in conflict with the ordinances of the City of Prairie Village, Kansas, statutes of the state of Kansas, and any and all other applicable laws and regulations.
3. The use permitted hereunder shall be limited to the uses authorized by Section 19.26.010 (O) of the Prairie Village Municipal Code, as it exists at the time of the issuance of this Permit, and the City shall at all times retain jurisdiction of the purposes of determining if the actual use of the property complies with the uses as defined in said Ordinance, with the requirements of the Prairie Village Planning Commission and with representations made at the time of the public hearing on said application, including, but not limited to, that boarding of animals will be limited only to medical care and observation.
4. That the permission hereby granted to operate a veterinary clinic on the above-described property shall automatically and without further notice expire upon the termination of the lease to provide veterinary services at the above referenced location.
5. This Special Use Permit is issued to Thomas McKee, DVM, and may be assigned, transferred, or conveyed to any other person or entity only upon prior approval by and with the consent of the Governing Body of the City of Prairie Village, Kansas. This Permit shall terminate automatically upon assignment if such prior approval to an assignment of this permit is not obtained.
6. This Permit is contingent upon all the conditions and requirements set forth herein, and failure to comply with all the terms shall cause said Permit to be terminated after and appropriate due process hearing before the Governing Body of the City.

BUCHER, WILLIS & RATLIFF CORPORATION

903 East 104th Street | Suite 900 | Kansas City, Missouri 64131-3451 | P 816.363.2696 | F 816.363.0027 |
www.bwrcorp.com

engineering | planning | architecture

Condition number 5 assigned the Special Use Permit to a specific individual unless a transfer was approved by the City Council. The City Attorney since determined that Special Use Permits reflect an approved land use and therefore, run with the ownership of the land, not to the individual who may have been the applicant. Because the ordinance approving the Special Use Permit contained this clause the City Council approved a conveyance from Thomas McKee to Tomahawk Animal Clinic on June 4, 2007.

The applicant is requesting an amendment to the Special Use Permit to expand the use into suite 8825 Roe Avenue which is adjacent to the south. This would increase the square footage of the use by approximately 2,888 square feet. This suite is currently vacant. There will be no exterior changes to the building. All changes will be within the existing building envelope. The applicant intends to add two additional exam rooms; a state of the art surgical suite and radiology and treatment rooms.

The applicant held a neighborhood meeting in accordance with the Planning Commission Citizen Participation Policy, but staff had not received the results of the meeting at the time of the preparation of this Staff Report

FACTORS FOR CONSIDERATION:

The Planning Commission shall make findings of fact to support its recommendation to approve, conditionally approve, or disapprove this special use permit. In making its decision, consideration should be given to any of the following factors that are relevant to the request:

- 1. The proposed special use complies with all applicable provisions of these regulations including intensity of use regulations, yard regulations and use limitations.**

The proposed special use for the Veterinary Clinic is the expansion of an existing use which is contained within an existing building which is in compliance with the zoning regulations.

- 2. The proposed special use at the specified location will not adversely effect the welfare or convenience of the public.**

The existing Veterinary Clinic has not caused any adverse effects on the welfare or convenience of the public. The expansion will be operated the same way and therefore should also not cause any adverse effects.

- 3. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

The proposed Veterinary Clinic, will be located within an existing structure, and will not create any problems for the adjacent property in the neighborhood. This will be the expansion of an existing use that has operated at this location since 1991 and has not adversely affected the value of property in the neighborhood.

- 4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use permit will so dominate the immediate neighborhood, consideration shall be given to: a) the location size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The proposed Special Use Permit is for the expansion of an existing use that is within an existing building. This is a very low intensity use and it will not dominate the area or hinder development. The neighborhood is already fully developed.

5. **Off street parking and loading areas will be provided with standards set forth in these regulations, and areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**

There is not a specific parking standard in the ordinance for Veterinary Clinics so one space must be provided for each 250 square feet of floor area. The building contain approximately 6,785 square feet which requires 28 off-street parking spaces. There are 31 spaces provided on the site, so it meets the zoning regulations. There is a fence behind the building that screens the off-street parking in the rear.

6. **Adequate utility, drainage and other necessary utilities have been or will be provided.**

Since this use will be occupying an existing facility, utility services are already provided.

7. **Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.**

Adequate entrance and exit drives currently exist at the facility and this proposed special use will utilize the existing infrastructure that is already in place.

8. **Adjoining properties will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**

This Special Use Permit will be the expansion of an existing clinic and any hazardous materials, processes, odors or intrusive noises that accompany it shall be mitigated.

9. **Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed structure is to be built or located.**

The proposed special use will not require any changes in the exterior architecture or style of the existing building.

RECOMMENDATION:

It is the recommendation of Staff that the Planning Commission find favorably on the factors and recommend approval of the expansion of the Veterinary Clinic to suite 8825 Roe Avenue to the City Council subject to the following conditions:

1. The Holder of this Special Use Permit comply with all of the provisions of Chapter 19.28 of the Prairie Village Municipal Code pertaining to special uses.
2. That the property will not be used in any manner that is in conflict with the ordinances of the City of Prairie Village, Kansas, statutes of the State of Kansas, and any and all other applicable laws and regulations.
3. The City shall at all times retain jurisdiction of determining if the actual use of the property complies with the uses as defined in said Ordinance, with the requirements of the Prairie Village Planning Commission and with representations made at the time of the public hearing on said application, including, but not limited to, that boarding of animals will be limited only to medical care and observation.
4. That the permission hereby granted to operate a veterinary clinic on the above-described property shall automatically and without further notice expire upon the termination of the lease to provide veterinary services at the above referenced location.
5. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

Letter of Authorization

We do hereby appoint and authorize Tomahawk Animal Clinic, Inc., d/b/a Somerset Veterinary Clinic located at 8823 Roe Avenue, Prairie Village, KS 66207, to represent the Landlord/Owner, Columbia Roe 89 Limited Partnership, as agent. They have the right to file applications and perform all necessary duties as may be required by the appropriate authorities for the purpose of revising their SUP/CUP to include the adjacent retail space at 8825 Roe Avenue.

By:

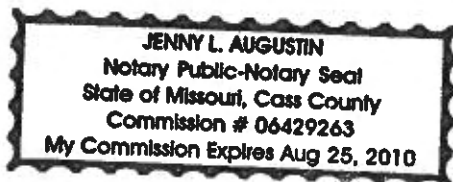

Columbia Roe 89 Limited Partnership
By Investment Properties and Management, Inc.
General Partner
Joseph C. Tutera, President
7611 State Line Suite 301
Kansas City, MO 64114

BEFORE ME, the undersigned, a Notary Public within and for the County of Jackson and State of Missouri, personally appeared **Joseph C. Tutera** who acknowledged to me that this certificate of authority was executed for the purposes herein expressed.

WITNESS MY HAND and notary seal this 18th day of April, 2008.


Notary Public

8-25-10
My Commission Expires



AFFIDAVIT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

~~To~~
Kent E. Kraus, DVM, being duly sworn upon his oath, disposes and states:

That he is the (owner) (attorney for) (agent of) the tract of land for which the application was filed. That in accordance with Section 19.28.025 of the Prairie Village Zoning Regulations, the applicant placed and maintained a sign, furnished by the City, on that tract of land. Said sign was a minimum of two feet above the ground line and within five feet of the street right-of-way line in a central position of the tract of land and had no visual obstruction thereto.

Kent E. Kraus
(Owner/Attorney for Agent of)

Subscribed and sworn to before me this 14th day of April, 2008

CHARLES W. MACHEERS
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 11-30-2009

Charles W. Macheers
Notary Public or Planning Commission

Secretary

Kent E. Kraus, being duly sworn upon his oath, deposes and states:

1. I am the (owner of) (attorney for) (agent of) the property described in the attached notice upon which an application has been filed before the Planning Commission of the City of Prairie Village, Kansas.
2. On the 14th day of April, 2006, a public information meeting was held pursuant to the Citizen Participation Policy adopted on June 6, 2000, by the Planning Commission
3. On the 7th day of April, 2006, I did comply with notification requirements to landowners as stated Section 19.28.020, of the Prairie Village Zoning Regulations and notified in letter by certified mail all owners of land located within 200 feet of the described real property. Notice was mailed to the following:

Name	Address	INDIVIDUALS
<u>Jenny Ludington</u>	<u>4615 W. 88th St.</u>	ATTENDING
<u>Julie Rainen</u>	<u>4619 W. 88th St.</u>	INFORMATION
<u>Ben Rainen</u>	<u>4619 W 88th St</u>	MEETING 4/14/08
(See Attached.)		NO CONCERNS NOTED
		INTERIOR EXPANSION

I certify that the foregoing is true and correct.

Kent E. Kraus, AUM.
Name

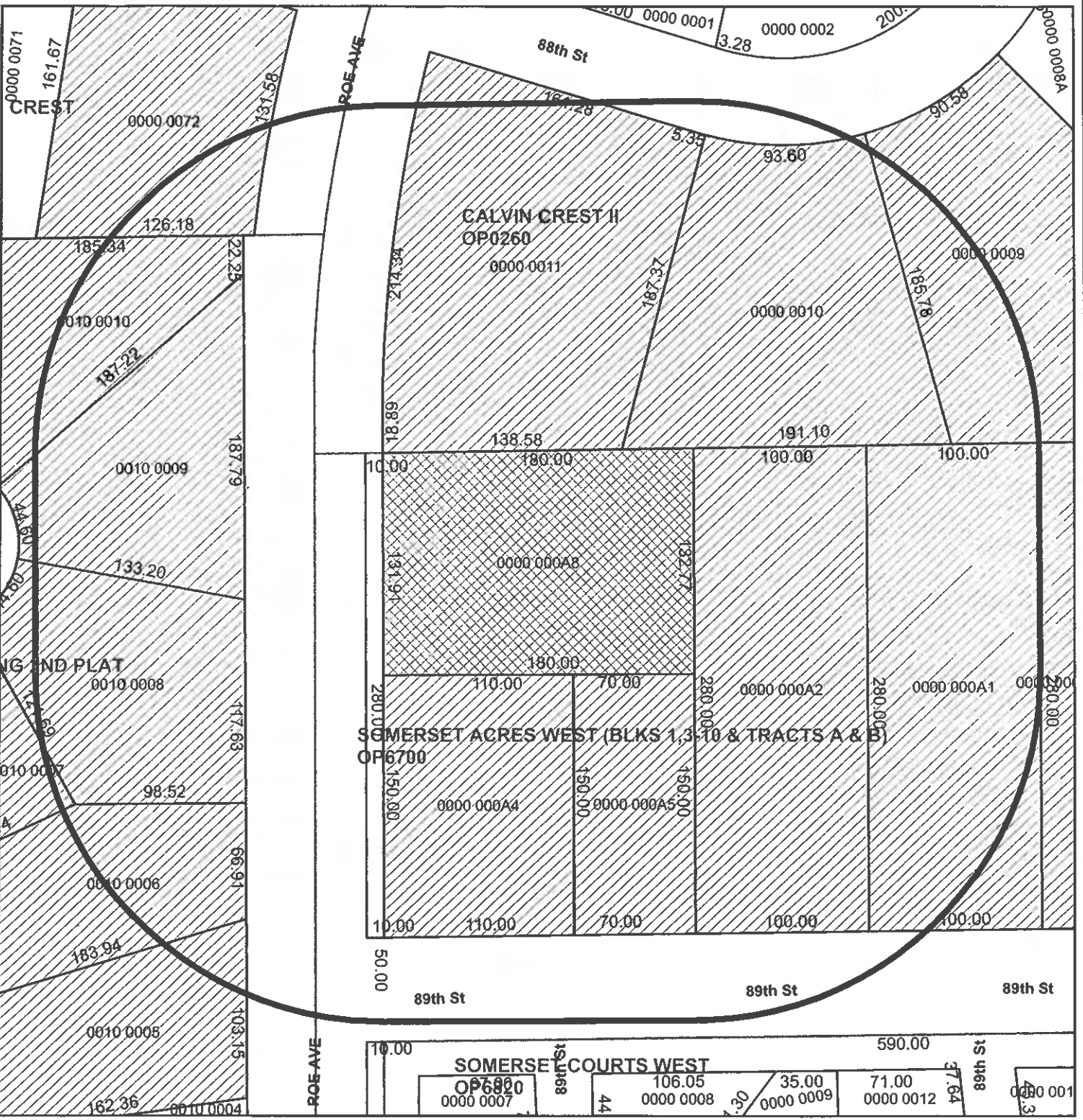
3823 Roe, Prairie Village, KS
Address

1	OP02500000 0072	18,405	0.42	4701 W 88TH ST	4701 W 88TH ST	PRAIRIE VILLAGE, KS 66207
2	OP02600000 0011	32,832	0.75	4623 W 88TH ST	4623 W 88TH ST	PRAIRIE VILLAGE, KS 66207
3	OP67000000 000A1	28,079	0.64	4510 W 89TH ST	10325 MOHAWK RD	LEAWOOD, KS 66206
4	OP67000000 000A2	28,055	0.64	4518 W 89TH ST	4518 W 89TH ST APT 200	PRAIRIE VILLAGE, KS 66207
5	OP67000000 000A4	16,614	0.38	8839 ROE AVE	7611 STATE LINE RD APT 301	KANSAS CITY, MO 64114
6	OP67000000 000A5	10,522	0.24	4600 W 89TH ST	4600 W 89TH ST	PRAIRIE VILLAGE, KS 66207
7	OP67000000 000A7	28,102	0.65	4500 W 89TH ST	4500 W 89TH ST APT 100	PRAIRIE VILLAGE, KS 66207
8	OP67000000 000A8	23,306	0.54	8825 ROE AVE	7611 STATE LINE RD APT 301	KANSAS CITY, MO 64114
9	OP81000010 0005	15,102	0.35	8905 LINDEN DR	8905 LINDEN DR	PRAIRIE VILLAGE, KS 66207
10	OP81000010 0006	15,984	0.37	8843 LINDEN DR	8843 LINDEN DR	PRAIRIE VILLAGE, KS 66207
11	OP81000010 0007	13,372	0.31	8837 LINDEN DR	8837 LINDEN DR	PRAIRIE VILLAGE, KS 66207
12	OP81000010 0008	16,921	0.39	8833 LINDEN DR	196 BAO SHAN STREET	TAO-YUAN 330, 00 TAIWAN ROC
13	OP81000010 0009	15,800	0.36	8829 LINDEN DR	8829 LINDEN DR	PRAIRIE VILLAGE, KS 66207
14	OP81000010 0010	17,113	0.39	8825 LINDEN DR	8825 LINDEN DR	PRAIRIE VILLAGE, KS 66207
15	OP02600000 0009	35,716	0.82	4615 W 88TH ST	4615 W 88TH ST	PRAIRIE VILLAGE, KS 66207
16	OP02600000 0010	25,130	0.58	4619 W 88TH ST	4619 W 88TH ST	PRAIRIE VILLAGE, KS 66207

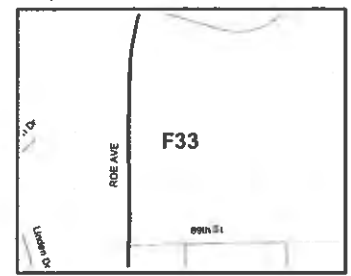
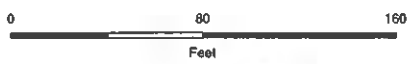
Total Area of Parcels: 7.83 acres (341,053 ft²)

Selected Property

A product of Johnson County AIMS, 111 S. Cherry, Suite 3500, Olathe, KS 66061, Phone 913-715-1600, <http://aims.jocogov.org>



- Lot Line
- Section Line
- Plat Perimeter



200 Ft Buffer Map

MAP/DATA DISCLAIMER: It is understood that, while the AIMS participating agencies and information suppliers have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, AIMS AND ITS SUPPLIER MAKE NO REPRESENTATION OF ANY KIND, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE, NOR ARE ANY SUCH WARRANTIES TO BE IMPLIED WITH RESPECT TO THE INFORMATION, DATA, OR SERVICE FURNISHED HERIN.

SOMERSET VETERINARY CLINIC

8823 ROE AVENUE
PRAIRIE VILLAGE, KS 66207
(913)341-9191

April 04, 2008

To Whom It May Concern;

This letter is purposed to inform the Prairie Village Planning Commission and the general public of the request to **expand the special use permit** for the property known as Somerset Veterinary Clinic, located at 8823 Roe Avenue, to include the adjacent vacant retail space at 8825 Roe Avenue.

Somerset Veterinary Clinic was established in 1991 by Dr. Tom McKee, DVM, DAVBP to serve the Prairie Village community's veterinary health care needs. Due to a moderate growth rate, the time has come to hire additional support personnel and enlist the services of an additional veterinarian.

The desire of Somerset Veterinary Clinic is to acquire an additional permit that would allow the clinic to expand into the available space next door, thereby more than doubling the current clinic space without any alteration of the exterior physical structure or violation of its current special use permit.

All parties feel that adding two additional exam rooms; a new and state-of-the-art surgical suite; and radiology and treatment rooms would enable the clinic to better and more efficiently serve the needs of both its clients and their pets.

Leasehold improvements would be limited **exclusively** to interior construction, and as stated previously, would require there be no exterior alteration of the current structure. The lone exception, of course, being the necessary signage of the location.

Somerset Veterinary Clinic has been in contact with Dr. Dirk Hansen of the **Kansas State Board of Veterinary Examiners*** regarding its intended expansion, and has been given the full support of the Board. The understanding, of course, being the Board's standard full-facility inspection of the location, performed by Inspector Larry O'Hara within sixty days of project completion.

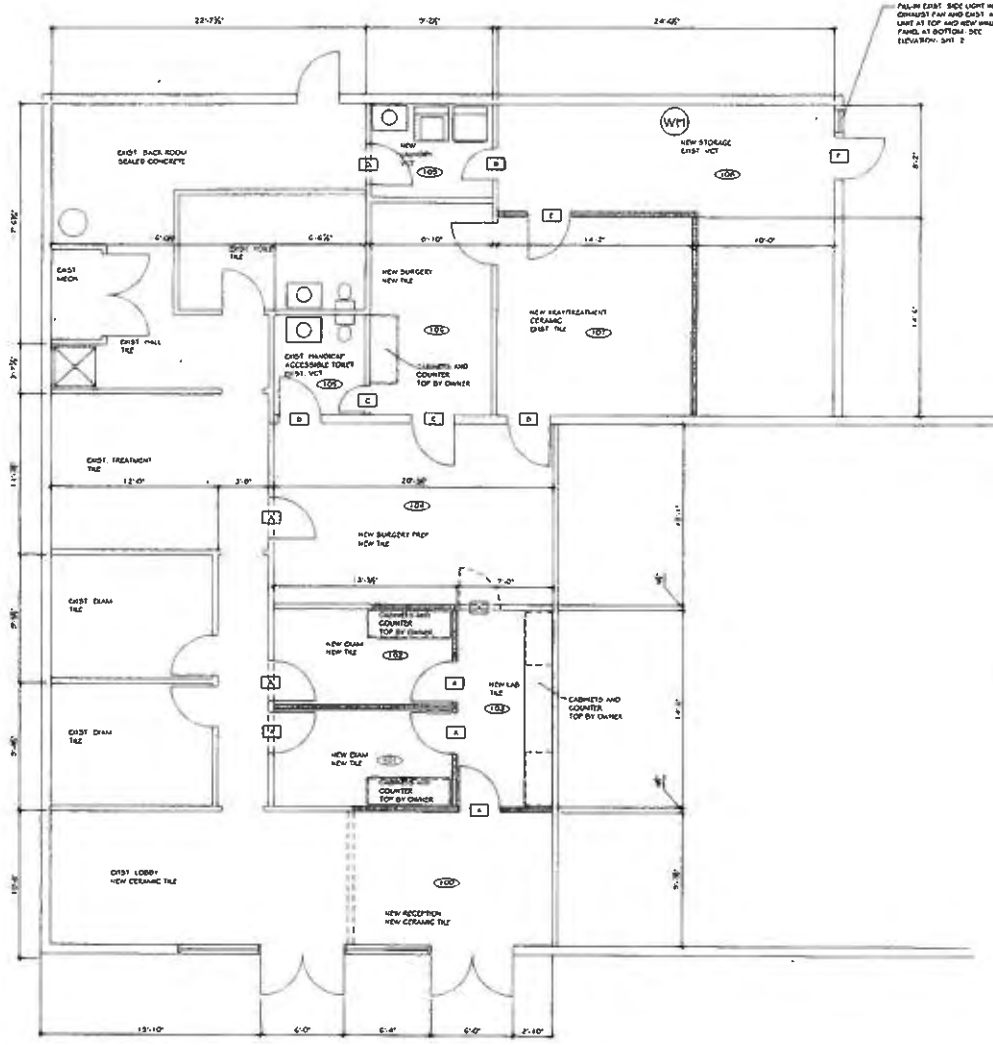
Somerset Veterinary Clinic appreciates both the Planning Commission's attention to and consideration of the above request, and looks forward to citizen participation in the upcoming requisite neighborhood gathering regarding this matter.

Respectfully,



Kent E. Kraus, DVM

* **The Kansas State Board of Veterinary Examiners can be contacted at P.O. Box 242, Wamego, KS 66547-0242 or (785)456-8781.**



ROOM FINISH SCHEDULE

ITEM NUMBER	CEILING FINISH	WALL FINISH	FLOOR FINISH
101	EXIST. S.A.L.	PAINT	NEW CERAMIC TILE
102	EXIST. S.A.L.	PAINT	SC
103	EXIST. S.A.L.	PAINT	NEW VINYL TILE
104	EXIST. S.A.L.	PAINT	NEW VINYL TILE
105	EXIST. S.A.L.	PAINT	NEW VINYL TILE
106	EXIST. S.A.L.	PAINT	NEW VINYL TILE
107	EXIST. S.A.L.	PAINT	NEW CERAMIC TILE
108	EXIST. S.A.L.	PAINT	EXIST. VINYL TILE
109	EXIST. S.A.L.	PAINT	NEW VINYL TILE
110	EXIST. S.A.L.	PAINT	NEW CERAMIC TILE
111	EXIST. S.A.L.	PAINT	EXIST. VINYL TILE
112	EXIST. S.A.L.	PAINT	EXIST. VINYL TILE

DOOR SCHEDULE

DOOR DESCRIPTION	DOOR TYPE	DOOR STYLE	DOOR COLOR
A	2'-0"	MDP 2-L SWP	BY OWNER
B	2'-0"	MDP 2-L SWP (RELOCATED)	BY OWNER
C	2'-0"	MDP 2-L SWP (RELOCATED)	BY OWNER
D	2'-0"	MDP 2-L SWP	BY OWNER
E	2'-0"	MDP 2-L SWP (RELOCATED)	BY OWNER
F	2'-0"	EXIST. DOOR 2-L SWP	BY OWNER

1. ALL ROOMS MARKED EXISTING ARE NOT PART OF THE TENANT IMPROVEMENT PROJECT AND SHALL REMAIN UNCHANGED.
 2. [Symbol] - NEW PARTITION WALL AS 5/8" X 2 1/2" GAGE STUDS @ 16" O.C. W/ 1/2" GIP BOARD TYP. G.I. SHALL BE TO UNDERBID OF EXIST. S&T CEILING TYP.
 3. [Symbol] - EXIST. WALL TO BE REMOVED.

Project No. 07000
 Date 05/05/09
 Issued For COUNTY, KS
 REVISIONS
 No. Date Description



8823 Roe Avenue
 Prairie Village
 KANSAS

PROPOSAL

SHEET TITLE
PROPOSED FLOOR PLAN AND FINISH SCHEDULES

SHEET NUMBER
1

NOTES

PROPOSED PLAN

SCALE: 1/4" = 1'-0"

ORDINANCE 2167

AN ORDINANCE AMENDING A SPECIAL USE PERMIT FOR THE OPERATION OF A VETERINARY CLINIC ON THE PROPERTY DESCRIBED AS 8823 & 8825 ROE AVENUE, PRAIRIE VILLAGE, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE:

Section I. Planning Commission Recommendation. At its regular meeting on May 6, 2008, the Prairie Village Planning Commission held a public hearing, found the findings of fact to be favorable and recommended that the City Council amend a Special Use Permit for the operation of a veterinary clinic at 8823 Roe Avenue to allow expansion to include 8825 Roe Avenue subject to the following conditions:

1. The Holder of this Special Use Permit comply with all of the provisions of Chapter 19.28 of the Prairie Village Municipal Code pertaining to special uses.
2. That the property will not be used in any manner that is in conflict with the ordinances of the City of Prairie Village, Kansas; statutes of the State of Kansas, and any and all other applicable laws and regulations.
3. The City shall at all times retain jurisdiction of determining if the actual use of the property complies with the uses as defined in said Ordinance, with the requirements of the Prairie Village Planning Commission and with representations made at the time of the public hearing on said application, including, but not limited to, that boarding of animals will be limited only to medical care and observation.
4. That the permission hereby granted to operate a veterinary clinic on the above-described property shall automatically and without further notice expire upon the termination of the lease to provide veterinary services at the above referenced location.
5. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

Section II. Findings of the Governing Body. At its meeting on June 2, 2008, the Governing Body adopted by specific reference the findings as contained in the minutes of the Planning Commission meeting of May 6, 2008, and the recommendations of the Planning Commission and approved the Amended Special Use Permit as docketed PC2008-04.

Section III. Granting of the Amended Special Use Permit. Be it therefore ordained that the City of Prairie Village grant an amendment of the Special Use Permit for the expansion of a Veterinary Clinic at 8823 & 8825 Roe Avenue, Prairie Village, Kansas subject to the four specific conditions listed above.

Section IV. Take Effect. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND ADOPTED THIS 2nd DAY OF JUNE, 2008.

CITY OF PRAIRIE VILLAGE, KANSAS

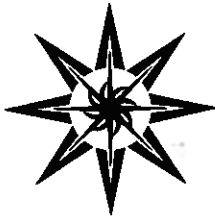
By: /s/ Ronald L. Shaffer
Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

/s/ Joyce Hagen Mundy
Joyce Hagen Mundy, City Clerk

/s/ Charles E. Wetzler
Charles E. Wetzler, City Attorney



PLANNING COMMISSION

Council Meeting Date: June 2, 2008

COU2008-36 Consider a Request for Rezoning Meadowbrook Country Club from R-1A Single-Family Residential to MXD Mixed Use District and Approving a Preliminary Development Plan.

RECOMMENDATION

Recommend the Governing Body approve the requested zoning and direct staff to draft the effectuating ordinance and authorize the Mayor to execute.

BACKGROUND

The applicant is proposing a mixed residential project combined with a rebuilding of a Meadowbrook Golf Course, swimming pool, tennis and clubhouse facilities. The existing clubhouse and swimming pool pavilion will be demolished and rebuilt. The swimming pool was recently renovated and a new pavilion will be built in that area. The new clubhouse, however, will be built near the condominiums on the north side of the lake.

The proposed project includes two housing types: condominiums and senior living. The proposed condominiums will be located near the lakes on the interior part of the site on 5.33 acres. There will be 96 units in two five-story buildings. The units will be one to three bedrooms with an average unit size of 1,750 sq. ft. Parking will be provided underground for 162 cars and 30 surface spaces will be provided for visitors, for a total of 192 spaces.

The proposed senior living building (Stratford) will be located at the southwest corner of the site on 8.68 acres. The proposed building will be three and four stories high and contain 232 units which include 172 independent living units; 20 Alzheimer's living units (24 beds) and 40 assisted living units (48 beds). This will be a full service facility with wellness, spa, restaurant and lounge facilities. It will be similar in operation to Claridge Court. Parking will be provided underground for 174 spaces and on the surface for 161 spaces, for a total of 335 spaces. Required parking is 104 spaces for the units plus one space for each employee.

The two residential uses will occupy 14.01 acres. The golf clubhouse and parking will occupy 2.84 acres, including 156 parking spaces. The swimming pool/tennis center, including 77 parking spaces, will occupy 3.80 acres. The gross area of the site is 138.70 acres; after all the developed area is deducted 20.65 acres, the net area of the actual golf course including drainage areas will be 118.05 acres.

Since this is the first application for MXD District, the Purpose and Intent of the District has been restated and is as follows:

The zoning of property of the MXD, Planned Mixed Use District, is intended to encourage a variety of land uses in closer proximity to one another than would be possible with more conventional zoning districts, to promote sustainable development with projects that achieve a high level of environmental sensitivity and energy efficiency, to encourage design and construction using Leadership in Energy and Environmental Design "LEED" principles and practices; and to encourage building configurations that create a distinctive and memorable sense of place. Developments in this district are allowed and expected to have a mixture of residential, office and retail uses in a single structure or multiple structures along with public spaces, entertainment uses, and other specialty facilities that are compatible in both character and function and incorporate a coordinated consistent theme throughout the development. Developments are also expected to utilize shared parking facilities linked to multiple buildings and uses by an attractive and logical pedestrian network that places more emphasis on the quality of the pedestrian experience that is generally found in typical suburban development. Buildings are intended to be primary multi-story structures with differing uses organized vertically rather than the horizontal separation of uses that commonly results from conventionally zoning districts.

The applicant held two public information meetings on February 21st and 26th. Approximately 30 people attended the first meeting and 60 at the second meeting. Many of the questions asked were not related to zoning issues, but several were. The questions that are of concern to the rezoning application relate to traffic, access to Nall Avenue, access south to 94th Terrace, off-street parking, greenspace, setbacks, sewer service, location, height, and size of the Stratford building, design of the Stratford building, and project financing. The applicant responded to these questions as noted in the detailed meeting memorandums and for the most part satisfied the Prairie Village residents in attendance. Several of the items are addressed in more detail in the associated staff reports.

At its regular meeting on April 1, 2008, the Planning Commission opened the public hearing on the Meadowbrook project and listened to many comments both pro and con regarding the proposal. At the conclusion of the public comments, the Planning Commission discussed the proposal at length and moved to continue the application to the May 6, 2008 Planning Commission Meeting in order for the applicant to address several concerns which are as follows:

- A. Setback of the building along Nall;
- B. Parking;
- C. Elevation & Grading;
- D. Safe access to and from the drives for emergency vehicles and residents;
- E. Photo simulations demonstrating the design of the building;
- F. Elevation with the street showing the street contour relationship to the building;
- G. Outline of the deed restrictions - concept; and
- H. If project not MXD now, is there some way to keep option open to future integration and development; to the south along the edge of the property.

The applicant addressed each of these issues at the May 6, 2008 Planning Commission meeting and the public had an opportunity to respond to their presentation.

Prior to making its recommendation, the Planning Commission is required make findings of fact based on the "Golden Factors" which are listed as follows:

1. The character of the neighborhood;

2. The zoning and uses of property nearby;
3. The suitability of the property for the uses to which it has been restricted under its existing zoning;
4. The extent that a change will detrimentally affect neighboring property;
5. The length of time of any vacancy of the property;
6. The relative gain to public health, safety, and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners;
7. City staff recommendations; and
8. Conformance with the Comprehensive Plan.

The Commission felt the following "Golden Factors" were relevant to this rezoning. They consider this a 138 acre tract of which 13 acres will be intensely developed leaving the majority of the site as open space. The character of the neighborhood will largely remain low-density residential. The impact of the majority of the development is at the southwest corner of the 138 acres adjacent to office development, a church and single family across Nall. The larger portion of the site will remain low-density open space within the character of the neighborhood.

Regarding the zoning and uses of property nearby, they noted the property to the south is CP-1 which is a planned commercial district. Putting a multi-family residential development next to offices is an accepted type of land use. They stressed the need to keep in focus that the rezoning is about the entire area, not simply the southwest corner. When talking about the zoning of nearby property in view of the entire site, the proposal is an appropriate land use. The relative gain to the public is the retention of the open space.

Regarding conformance to the Comprehensive plan, the Commission noted that Meadowbrook as being totally redeveloped. It was about keeping the golf course along with viable redevelopment. The Commission created a zoning district that was broad enough to allow flexibility to consider several options to be considered based on a specific development plan. This is not a perfect rezoning for "MXD", as envisioned by the ordinance; but this is a real application on a real site to keep the country club and golf course, encourage redevelopment, and add different housing options within the City, increasing property values. Village Vision does not encourage Prairie Village to stay exactly as it is and not do anything different. The City needs to expand its horizons and opportunities. Village Vision did envision the total redevelopment of the area. The proposed development has maintained a considerable amount of green space while introducing greater density into Prairie Village which is part of the Village Vision.

Bob Lindeblad moved the Planning Commission find favorably on several of the Golden Factors as stated above and recommends the rezoning of PC2008-03 from R-1a to MXD at 91st & Nall and approval of the preliminary development plan with the following conditions:

1. The applicant submits an outdoor lighting plan in accordance with the outdoor lighting regulations with the final development plan.
2. The applicant submits detailed plans for the monument sign façades with the final development plan.
3. The applicant obtains approval from the City of Prairie Village Public Works Department and the

- City of Overland Park for the Stormwater Management Plan prior to submitting the final development plan.
4. The applicant submits a copy of the final covenant documents preserving the open space and guaranteeing maintenance of improvements with the final development plan.
 5. The applicant submits a detailed landscape plan with the final development plan for review and approval by the Planning Commission and Tree Board.
 6. The applicant provides better pedestrian access to the commercial area to the south.
 7. The golf course entrance road is a private street.
 8. The split rail fence along Nall Avenue is relocated so that it does not cause sight problems for traffic exiting on Nall Avenue.
 9. The applicant meet with emergency service providers to be sure that the golf course entrance road is adequate to accommodate emergency vehicles.

The motion was seconded by Marlene Nagel and passed by a vote of 5 to 0 with Ken Vaughn abstaining since he was not present for the initial public hearing on April 1, 2008.

If the Council approves the rezoning and preliminary development plan, Staff recommends a 10th condition be added as follows:

10. The applicant shall file a final Development Plan within 18 months of the approval of the Preliminary Development Plan and the ordinance approving the rezoning and Preliminary Development Plan shall not be published until such time as the Final Development Plan is approved.

A valid protest petition has been submitted that includes approximately 39% of the area within 200 feet of this site. Since the protest area is more than 20%, it requires a ¾ vote of the Governing Body (City Council and Mayor) to approve the application, and that is 10 votes.

The Governing Body shall make its findings of fact based on the "Golden Factors" and either:

- A. Adopt the recommendation of the Planning Commission and approve the rezoning and Preliminary Development Plan which requires 10 favorable votes, or
- B. Override the recommendation of the Planning Commission by a 2/3 vote of the Governing Body (9 votes), and deny the rezoning and Preliminary Development Plan, or
- C. Return the recommendation to the Planning Commission by a simple majority vote with a statement specifying the basis for the City Council's failure to approve or disapprove the recommendation.
- D. Continue the item to a designated meeting by a simple majority.

ATTACHMENTS

Planning Commission Minutes - April & May, 2008
Application & Preliminary Plans
Protest Petition Memo and attachments

**PLANNING COMMISSION MINUTES
MEETING OF MAY 6, 2008**

PUBLIC HEARINGS - 7:00 p.m. - Continued

PC2008-03

**Request for Rezoning from R-1a (Single Family Residential)
To MXD (Mixed Use District) Meadowbrook Country Club
Property at 91st & Nall
Applicant: OPUS, NWR, LLC**

Chairman Ken Vaughn reviewed the rules of procedure for the continuation of this public hearing. He stated at its regular meeting on April 1, 2008, the Planning Commission opened the public hearing on the Meadowbrook project and listened to many comments both pro and con regarding the proposal. At the conclusion of the public comment portion, the Planning Commission discussed the proposal at length and moved to continue it to the May 6, 2008 Planning Commission Meeting in order for the applicant to address the following concerns:

- **Setback of the building along Nall**
- **Parking**
- **Elevation & Grading**
- **Safe access to and from the drives for emergency vehicles and residents**
- **Photo simulations demonstrating the design of the building**
- **Elevation with the street showing the street contour relationship to the building.**
- **Outline of the deed restrictions - concept**
- **If the project is not MXD now, is there some way to keep the option open to future integration and development to the south along the edge of the property**

Chairman Ken Vaughn had appointed Randy Kronblad and Bob Lindeblad to meet with the staff and applicant to address the list of issues.

Public comment will be limited to those items setout above.

David Harrison, General Manager with OPUS, NW, 4407 West 92nd Terrace, expressed appreciation for all those involved in this project. He stated as a collaborative effort, the project being presented is better than previous submittals.

Judd Claussen, with Phelps Engineering, presented the changes made to address the concerns identified on April 1st.

Setback of the Building along Nall

On the original plan the parking was setback 15' from the right-of-way line of Nall Avenue. which is the minimum required by ordinance. The comments were that 15' did not provide enough area for landscaping and screening to break up the large façade of the building and the 15' green space was not in scale with the size of the building. The revised plan has moved the building east an additional 10' to increase the landscape area along Nall Avenue to 25'. Along with this change, additional trees have been added at three locations.

Parking

This issue involved several questions. Is too much parking being provided, is too little being provided and how can the large paved areas be softened with plant

materials? The applicant has slightly reduced the number of spaces being provided for Stratford from 349 to 335 and 174 of the spaces are still covered. The reduction is in the surface parking which reduces the amount of paved area. The applicant is providing more parking than required by city ordinance and is basing their parking on the experience of their facilities. There is a similar facility in Prairie Village that has provided parking at a much lower ratio per dwelling unit and parking is a problem. A second issue was a concern that the large paved area needed to be broken up with landscaping. The applicant has provided several bump outs in the parking lot that will contain trees. This should help alleviate this concern. Also the additional 10' provided along Nall Avenue will allow more flexibility in the preparation of the landscape plan.

The applicant has provided two spaces per dwelling unit for the 96 condominiums as required by ordinance. Visitor parking will need to be identified and designed as accessible spaces.

Elevation & Grading

Mr. Claussen reviewed the preliminary grading plan that illustrates how the building will actually set on the ground. At the south end of the building, the 2nd Floor elevation will be 980 which is below the 987.8 elevation of Nall Avenue. That means that a retaining wall will be constructed in the southwest corner of the site to preserve the trees and stabilize the bank. The existing grade where the building will be placed in this area is 976.3 feet which means that the site will need to be filled at this location. At the north end of the building the existing grade is elevation 960 while the elevation of Nall Avenue is 970. There will be a need for significant fill in this area and the parking lot will actually be higher than Nall Avenue in this area. The applicant has proposed a 3.5' screening wall at this location to screen the headlights from the properties on the west side of Nall. It should be noted that the grading is difficult because Nall Avenue slopes from south to north and the site drops off rapidly from Nall Avenue to the east.

Safe access to and from the Drives for Emergency Vehicles and Residents

Mr. Claussen noted concern was expressed about the sight distance at the 92nd Place entrance. The applicant has redesigned the entrance raising the elevation of the drive and increasing the sight distance so that it meets the AASHTO standards.

They have also redesigned the 92nd Terrace entrance so that it is the primary entrance and exit for residents and delivery vehicles. The redesign improves the turning radii and makes the access much easier. The sight distance is significantly better at this location so it will likely accommodate most of the traffic entering and leaving the site. All the internal roads have been redesigned so that they can accommodate fire trucks.

A question was also raised regarding the number of emergency calls that would be generated by this type of use. Consolidated Fire District No. 2 had 104 calls and the Prairie Village Police Department had 22 calls in 2007 to a similar residential project in Prairie Village. That project is about 40% smaller than this one so the pro-ration would be 166 Fire calls and 35 Police calls. That would average about 4 calls per week.

Photo Simulations Demonstrating the Design of the Building

Steve Armstrong with Stratford reviewed the changes to the Stratford site noting the relocation of the main entrance to the facility to the north entrance at 92nd Terrace allowing for greater site distance, the introduction of additional green space and landscape to buffer the appearance of the building from the street. The south entrance will be used primarily for visitors and emergency vehicles, service trucks, employees and residents will use the north entrance. The 3.5' screening wall will screen cars in the parking area and prevent headlights from shining into the residents properties across the street. Mr. Armstrong stated they have also attempted to soften the exterior appearance of the building and called upon Dan Rosenthal, architect for Stratford with Lawrence Architects to review those changes with the photo simulations provided.

Mr. Rosenthal noted photo simulations were made from four different locations identified on the site plan submitted.

- Location A is a view looking southeast towards the northwest corner of Stratford
- Location B is a view looking southeast towards the entry of Stratford.
- Location C is a view from the United Presbyterian Church exit drive looking northeast towards the southwest corner of Stratford
- Location D is a view from 92nd Place looking east towards Stratford front entrance.

Mr. Rosenthal noted among the architectural features used to break-up the mass of the building is the use of a horizontal stone base element with brick in the middle and stucco surface on the upper part of the building. Corner and bay windows are used to provide variations in depth in the façade.

Due to the change in grade and elevation at the southwest corner the view from the street only shows two stories as Nall is five to six feet higher. The final photo simulation was created to reflect the variations in the roof height.

Elevation with the Street Showing the Street Contour Relationship to the Building

The applicant has prepared a drawing "west elevation with landscaping" that illustrate the grade of Nall Avenue as it relates to the height of the building. It does clearly show the difference in height between the north and south ends of the building as Nall Avenue slopes from south to north.

David Harrison presented a slide showing the evolution of the project from a seven story building on five acres in October, 2007; to the five story building on the northwest corner of Nall and Somerset presented in February, 2008; to the current proposal of a three-four story building in the southwest corner of the site. He noted this is a completely different project located on a lot more land

Outline of Deed Restrictions

David Harrison stated one of his concerns is the limitation of future development of the property. The entire tract of land will be rezoned and it is their intent to retain the green space and the golf course.

They have submitted a concise outline of how they envision the deed restrictions will be written regarding the preservation and maintenance of the open space. The City

has complete control of the open space through its zoning regulations so no additional development could occur without a public hearing and due process in the zoning regulations

If the project is not MXD now, is there some way to keep option open to future integration and development to the south along the edge of the property.

David Harrison noted because of the retention of the golf course connectivity is very restricted for this project. There is connectivity within the project, but public sidewalks can not be place on a private golf club. The sidewalk along Nall Avenue provides minimal connectivity. However, Mr. Harrison stated as the market allows and the City desires, he feels this project will lead to revitalization of the shops along 95th Street. The economics will be in place for this to occur.

Bob Lindeblad asked the applicant to review the roofline from photo simulation. Mr. Rosenthal reviewed the plans noting the different ridges and eaves in the designed into the building. The roof line will not project as a solid straight line.

Marlene Nagel confirmed the sidewalk along Nall Avenue remained in the plans.

Chairman Ken Vaughn opened the public hearing to comments and discussions from those present.

Jim Cook, 4806 Somerset, a Prairie Village resident and member of Meadowbrook noted the number of meetings that have been held on this project. He stated the club has attempted to be a good neighbor and thanked the developer, the neighborhood and city for their continued dialogue to create this improved project.

Doug Brown, representing the Bel-Aire Heights Homes Association of 367 households, reported a survey of their members reflected 97% of the responding members opposed to the proposed development. The common reasons for opposition were 1) traffic safety, 2) impact of the Stratford on residents' view, 3) negative impact on property values, 4) safety of the residents of the senior living center. He stated they would like to see the entrance off 94th Terrace instead of Nall because of the traffic signal. Mr. Brown stated they had requested information from the developer, but they never received any response. He asked in the spirit of being good neighbors that the Commission consider the questions and concerns of Overland Park residents so strongly impacted by the proposed project.

Doug Patterson, 4630 West 131st Street, addressed the Commission representing the Meadowbrook Neighborhood Alliance, a group of commercial property owners. He stated the group understands the issues with the golf course and the need to redevelop Meadowbrook. However, they are opposed to any development that has the appearance of spot zoning, piecemeal or cherry picking development which does not relate to good public policy decisions. The proposed development is the most intense development in all of Johnson County. It attempts to fit 11.3 acres under one roof into an area of 8.4 acres such as the Stratford building. Mr. Patterson stated the proposed development does not fit under any zoning classification of the City.

This could be built under a Special Use Permit, but that would not allow any buildings over 35' in height. To comply with the city's 30% lot coverage requirement the

proposed building would need to be on 44 acres of land. The residential zoning regulations would require a 30' front setback. The proposed plan has a 25' front setback and 15' side yard setback.

The Stratford building is the equivalent of 10.5 football fields with a floor area ratio of the residence portion only is 114% if the parking lot was considered in the calculation, the ratio would be 128%. Mr. Patterson noted by comparison the floor area ratio for Town Center Plaza in Leawood is 27%, Corporate Woods in Overland is 28.3% and the Sprint campus is 48%. The only structure with a similar ratio is Arrowhead stadium.

The Stratford Building exceeds the largest office building in Corporate Woods by 160%. It is larger in mass than the Prairie Village & Corinth Shopping Centers combined. Using good design and planning standards, this building should be located on 45 acres of land, not eight.

The proposed development is inconsistent with the definition of "Mixed Use District". Village Vision identifies this area as the gateway to Prairie Village. It is a highly visible site and that must be planned as a comprehensive community within Prairie Village. Village Vision says it should be a "village within the Village"

Mr. Patterson noted by rezoning the entire property, the feasibility of getting the necessary 20% of surrounding neighborhood signatures for a protest petition nearly impossible. They are rezoning fourteen acres for the development of 11.3 acres and in doing so placing restrictions on all but 9% of the site.

Mixed Use Districts are to be a grouping of uses such as restaurants, shops, homes, offices, etc. MXD mandates a master plan with multiple public and private interconnected uses. This does not exist in the proposed plan. This development is a senior living center and vertically built condominiums surrounded by a private golf course. According to the proposed covenants if the club can not survive, the condominium owners take over ownership of the site are to preserve the green space. They are in control of the site.

This development does not fit any zoning classification. Village Vision has an overlay district imposed over Meadowbrook to ensure development based on community input consistent with the Plan. Rezoning 131 acres out of 145 acre site for the development of 13 acres for 630,000 square 180,000 square feet more than Prairie Village & Corinth Shopping Center combined.

A resident at 5500 West 97th Street stated Prairie Village has been able to maintain its own quality unlike other Johnson County cities. She urges the city preserve this most beautiful walking area. This proposal will not preserve the area. She also expressed concerns with the fast traffic on Nall and safety of senior residents.

David Harrison apologized to Mr. Brown noting he did not receive his request for information. He stated they have been very open to sharing information with residents and would be glad to provide Mr. Brown with information.

Mr. Harrison noted OPUS is one of the top four office/commercial and top five industrial developers in the county. Mr. Patterson compared office and retail FAR to residential. Overland Park will typically have a 21-28% FAR. When they do an office site, their FAR is typically 43 to 44%. Arrowhead stadium takes up the all that ground because of parking. Town Center retail has a low FAR because of the large amount of parking and one-story buildings.

Claridge Court is 257,000 square feet on about 4.7 acres. If you add the apartments next to it, you are at a density similar to what is being proposed. However, it is being surrounded with 131 acres of green space.

You can not compare FAR on retail/commercial sites with residential sites. These are totally differ uses. Because much of there parking is underground, it does not take up a lot a green space and gives them exponentially low parking ratio. He stated the proposed development has the lowest potential for traffic impact use possible. Mr. Harrison stated the rezoning of the entire area is being down at the request of the neighbors and the City.

Chairman Ken Vaughn advised those present that the Planning Commission's actions would be a recommendation to the City Council who has the ultimate authority in granting the rezoning.

With no one else wishing to address the Commission, the public hearing was closed at 8:25 p.m.

Ron Williamson stated the applicant has addressed the eight issues raised by the Commission at its April 1st meeting. Mr. Williamson noted #7 on the list of conditions to widen the sidewalk has been addressed by the revised plan with a 5' sidewalk and two sod grass strips. The Commission must make findings based on the conditions established by ordinance on the rezoning and the preliminary site plan. The Commission's recommendation will then be forwarded to the City Council for action. If approved, the applicant would return to the Commission for Final Development Plan and Preliminary and Final Plat approval.

Bob Lindeblad stated the reason this was continued was that there was enough interest from the Commission to continue evaluating the application if the applicant would look at seven identified concerns of the Commission. He feels those issues have been addressed, particularly how the building fit into the site. The grading plan and photo simulations have demonstrated that although this remains a very large building, the perspective of the building with varying rooflines and architectural features, can fit into this site with the slope of the property without appearing to be a 490,000 square foot building. He likes the change in the primary entrance for safety and the screening of the parking are positive.

Chairman Ken Vaughn led the Commission in review of the Golden Factors.

1. The character of the neighborhood.

The existing neighborhood is characterized by low density single-family development to the east, north and west of the Country Club with office and commercial to the south. The golf course is a large open space that contains a significant amount of

mature trees and water features. There also is a high voltage power transmission line that runs along the north side of the property from the electrical substation on Roe Avenue.

2. The zoning and uses of property nearby.

The application area is zoned R-1A with a Special Use Permit for a country club and is developed as a golf, swimming and tennis country club. The property to the north and east is zoned R-1A and is developed for single-family residences. The area to the south is zoned CP-1 and CP-0 and is developed for office and commercial uses. The area on the west side of Nall is in Overland Park and it is zoned R-1 Single-family and developed for single-family residential and a church.

Randy Kronblad confirmed if the rezoning were approved, the existing Special Use Permit for the country club would be superseded by the Rezoning.

3. The suitability of the property for the uses to which it has been restricted under its existing zoning.

The property currently has an approved special use permit for a country club which includes golf, swimming, tennis and support facilities. The property works well as a country club, but maintaining membership is always difficult as courses and population age. The clubhouse is over 30 years old and needs either major renovation or reconstruction. Sewer is available for this low intensity development but capacity is not available for complete development of the site. The existing use is a low intensity use that provides a large green space for the community and is a real asset. The durability of the existing use, the country club, is of concern.

4. The extent that a change will detrimentally affect neighboring property.

The project will generate additional traffic on both Somerset Drive and Nall Avenue, but the street network has adequate capacity to accommodate it. The realignment of the main entrance east of Rosewood Drive will eliminate traffic driving north on Rosewood Drive, which was an objection of the neighbors. The applicant also has agreed to widen Somerset Drive at the intersection with Nall Avenue to improve traffic movement.

The question that is still raised by the neighbors is the height and size of the Stratford Senior Living Building. At its closest point the building sets back approximately 87 feet from the Nall Avenue right-of-way. The height and mass of this building versus open space preservation is one of the main issues that the Planning Commission will need to address. It was mentioned several times that the building should be located more interior on the site. Since it will be occupied by elderly people, the number of emergency calls will be greater and accessibility is more critical therefore a location near the major streets is important.

5. The length of time of any vacancy of the property.

The property is currently occupied by a country club, is not currently vacant and has not been vacant for over 30 years.

6. The relative gain to the public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners.

The approval of this development plan will provide a variety of housing choices to the residents of Prairie Village. The City is built out and there is very little opportunity to bring new housing to the market place. This project will not remove any existing homes from the inventory or cause any relocation. The hardship on neighboring landowners should be minimized through good planning, design and construction. The approval of this project will also provide for preservation of the golf course as open space for the future.

7. City Staff Recommendations.

The Preliminary Development Plan as submitted is a result of an analysis of the site and the potential market for residential development in Prairie Village. Several different plans have been prepared and this Plan has evolved over several months from that process. Staff has reviewed the Preliminary Development Plan and although there are some issues that still need to be addressed, it is Staff's opinion that the Plan is a workable one in that it provides higher intensity development as recommended in the Village Vision and it permanently preserves the open space of the golf course which has been a great concern to the community. The issues that still need to be addressed are as follows:

- a. The applicant will need to submit a preliminary outdoor lighting plan that is in accordance with the outdoor lighting regulations in the Zoning Ordinance.
- b. Signage has not been completely addressed for the project and detailed plans will need to be submitted for Planning Commission approval. The location of monument signs is shown on the Preliminary Development Plan, but the design of the signs depicting the materials and text will need to be completed and submitted for approval which can occur at the approval of the final plan.
- c. A Stormwater Water Management Plan has been prepared and since this site drains directly into the City of Overland Park, it is being coordinated with the City of Overland Park. Prior to consideration of the preliminary plat or final development plan, the Stormwater Management Plan must be approved by the Prairie Village Public Works Department with concurrence of the City of Overland Park.
- d. The applicant needs to submit a copy of the final covenant documents to the City for comment prior to submitting the final development plan. The covenants need to specifically address the maintenance of the common areas and the preservation of the open space. A question was raised by the Planning Commission whether the open space preservation should have a termination at perhaps 25 years or whether it should be forever. This needs further discussion by the Commission.
- e. The landscape plan is conceptual, which is adequate for this level of review, but a detailed Landscape Plan will need to be prepared and

submitted with the final plan for review and approval of the Planning Commission and Tree Board.

- f. The City of Overland Park Planning Staff has reviewed the plans and has several comments for consideration:

Screening: Consider reducing the amount of parking along Nall Avenue and provide a larger buffer area where additional plantings could be added. Stratford is providing nearly 1.5 spaces per dwelling unit which may be more than necessary.

Drainage: A recently completed Indian Creek Watershed Study shows that 50 or more residential structures immediately downstream are subject to flooding. (This is addressed in paragraph c above.) This stresses the importance of the necessity of a stormwater management plan.

Traffic: The concern is the site distance from the driveway opposite 92nd Place for left hand turns. It was pointed out that the driveway location only allows for 380 feet of sight distance to the south when the standard is 455 feet. The traffic study submitted by the applicant indicates that the sight distance to the south from the south driveway is 460 feet, and the required site distance is 416 feet. The City's Traffic Engineer has reviewed the Traffic Study and concurs with the applicant that the sight distance is adequate.

- g. Parking areas - The parking lot at Stratford is approximately 575 feet long running parallel to Nall Avenue with no landscaping to break it up. The sidewalk adjacent to the parking lot curb should be wider. The five-foot width will be reduced to three feet because of vehicle overhang which is not adequate. It should be widened at least an additional two feet. It should also be noted that the off-street parking for the condominiums is less than required by the ordinance. Also ADA parking spaces need to be identified on the plans.
- h. Golf Course Entrance Road - The golf course entrance road is approximately 1,200 feet in length from Somerset to the cul-de-sac. The subdivision regulations recommend that cul-de-sacs generally not exceed 500 feet. Since the applicant will be requesting incentives which will limit the tax revenue generated by this development, it is suggested that this road remain private and be maintained by the Homes Association. The width of this road may not be adequate to accommodate fire trucks and other emergency vehicles.
- i. Access drives to Nall Avenue - The access drives to Nall Avenue are not adequate to accommodate emergency and delivery trucks. These need to be redesigned to accommodate trucks. Also the driveway around the building will need to be redesigned with turnarounds on the east side. Emergency vehicles will not be able to pass through the covered service area.

Ron Williamson noted the applicant has addressed many of these issues in the revised submittal. Those issues still remaining have been placed as conditions for approval in the staff recommendation.

8. Conformance with the Comprehensive Plan

The Village Vision specifically addressed the redevelopment of the Meadowbrook Country Club. The recommendation was to develop a planned neighborhood with a mix of residential uses, open space and higher density. The items mentioned are as follows:

- Encourage potential developers to obtain community input. The developer has met with the Meadowbrook Country Club members numerous times to develop a concept plan. The developers have taken that plan to the neighbors for their comments and input. Meetings were held on February 21st and 26th. The Village Vision, however, outlined a more inclusive process for the citizen by which was more active than reactive.
- Allocate a portion of the site for public recreation/green space. The proposed development will occupy only 13.73 acres which will leave 124.97 acres for recreation/green space, which will be permanently preserved for green space through covenants.
- Assure Connectivity - Village Vision encourages both vehicular and pedestrian connectivity to be included in the redevelopment plan. There is neither vehicular or pedestrian connectivity between the proposed residential uses and they have not been integrated into Meadowbrook Village Center. There is a five-foot sidewalk along the west side of the golf course entrance road that connects the condominiums, club house, and pool/tennis area. There is a sidewalk proposed along the east side of Nall Avenue, but a pedestrian connection needs to be made from the building to the southwest corner of the site. The condominiums have no pedestrian connectivity to the commercial areas to the south.
- Neo Traditional Neighborhood Design - The Village Vision identified this as an opportunity for a new neighborhood center with amenities such as open space that cannot be provided in other locations. It would be more of a new community with mixed use integrated rather than an assembly of different residential uses. It should be pointed out, however, that the Village Vision anticipated redevelopment of the entire county club and not just a small part.

Nancy Vennard is still concerned about the issue of connectivity. This is unique situation with the golf course restricting connectivity. This is a private area and connectivity with this plan is limited. Ken Vaughn noted a sidewalk along Nall has been gained. Mrs. Vennard noted the residents of the Stratford will need steps at the southwest corner to access the sidewalk without having to walk around the retaining wall.

Bob Lindeblad stated he felt the following "Golden Factors" relevant to this rezoning.

He considers this a 138 acre tract of which 13 acres will be intensely developed leaving the majority of the site as open space. The character of the neighborhood is largely going to remain low-density residential. The impact of the majority of the development is at the southwest corner of the 138 acres adjacent to office development, a church and single family across Nall. The larger portion of the site will remain low-density open space within the character of the neighborhood. Regarding the zoning, he noted the property to the south is CP-I which is a planned commercial district. Putting a multi-family residential development next to offices is an accepted type of land use. He stressed the need to keep in focus that the rezoning is about the entire area, not simply the southwest corner. When talking about the zoning of nearby property in view of the entire site is an appropriate land use. The relative gain to the public is the retention of the open space. Regarding conformance to the Comprehensive plan, Mr. Lindeblad noted the plan had Meadowbrook as being totally redeveloped. This application is about keeping the golf course along with viable redevelopment. The Commission created a zoning district that was broad enough to allow flexibility to consider several options to be considered based on a specific development plan. This is not a perfect rezoning for "MXD", as envisioned by the ordinance; but this is a real application on a real site to keep the country club, encourage redevelopment and add different housing options within the City increasing property values. Village Vision does not encourage Prairie Village to stay exactly as it is and not do anything different. We need to expand horizons and opportunities.

Randy Kronblad agreed that Village Vision comments regarding Meadowbrook did envision the total redevelopment of the area. The proposed development has maintained a considerable amount of green space while introducing greater density into Prairie Village which is part of the Village Vision. He commended the developers for the strides that have been made since the first submittal and feels the revised proposal merits moving forward.

Bob Lindeblad moved the Planning Commission finding favorably on several of the Golden Factors as stated above and recommend the rezoning of PC2008-03 from R-1a to MXD at 91st & Nall and the approval of the preliminary development plan with the following conditions:

1. The applicant submit an outdoor lighting plan in accordance with the outdoor lighting regulations with the final development plan.
2. The applicant submit detailed plans for the monument sign façades with the final development plan.
3. The applicant obtain approval from the City of Prairie Village Public Works Department and the City of Overland Park for the Stormwater Management Plan prior to submitting the final development plan.
4. The applicant submit a copy of the final covenant documents preserving the open space and guaranteeing maintenance of improvements with the final development plan.
5. The applicant submit a detailed landscape plan with the final development plan for review and approval by the Planning Commission and Tree Board.
6. The applicant provide better pedestrian access to the commercial area to the south.
7. The golf course entrance road be a private street.

8. The split rail fence along Nall Avenue be relocated so that it does not cause sight problems for traffic exiting on Nall Avenue.
 9. The applicant meet with emergency service providers to be sure that the golf course entrance road is adequate to accommodate emergency vehicles.
- The motion was seconded by Marlene Nagel.

Bob Lindeblad addressed the Overland Park residents adjacent to this development stating the Commission is attempting to ensure their homes will continue to be across from a first-class country club with quality redevelopment while creating a minimal increase in traffic. He feels this will have long-term positive impact for them.

The motion was voted on and passed by a vote of 5 to 0 with Ken Vaughn abstaining since he was not present for the initial public hearing.

**PLANNING COMMISSION MINUTES
MEETING OF APRIL 1, 2008**

Vice-Chairman Bob Lindeblad announced the public hearing for PC2008-03 requested rezoning is scheduled for 8 p.m. and with no further business to consider recessed the Commission meeting until 8 p.m.

Bob Lindeblad reconvened the Planning Commission meeting at 8 p.m.

PUBLIC HEARINGS - 8:00 p.m.

**PC2008-03 Request for Rezoning from R-1a (Single Family Residential)
To MXD (Mixed Use District) Meadowbrook Country Club
Property at 91st & Nall**

Bob Lindeblad reviewed the procedures that would be followed during the Public Hearing and consideration by the Planning Commission. He reminded Commission members to speak into their microphones so all present can hear their comments.

Rich Muller, 8600 Mohawk Road, Leawood, addressed the Commission on behalf of the applicant, OPUS Northwest. He reviewed the original proposal and summarized the concerns that were addressed. The new proposal addresses the concerns expressed by the residents and staff regarding their previous application as follows:

- The Stratford Senior Living building has been relocated to the southwest corner of the site.
- The Stratford has been reduced in height from a 5 to 6 story building to a 3-story building on the west and 4-stories on the east . However, he noted this resulted in 70% more land taken by this building. This has caused the town homes to be removed from the plan.
- The Stratford building is more residential in character.
- The Condominium buildings have increased from four-stories to five-stories to accommodate penthouse units.
- The entrance road to the golf course and condominiums has been moved further east and is located between Rosewood and Birch.

Mr. Muller reviewed the history of the proposed Stratford which was initially 7-stories or 122' in height; then reduced to 5 to 6-stories and 89' in height; and now proposed at 3 stories, or 46' in height. There are no high-rises being proposed.

The style and character of the Stratford has more of a residential feel. There are two entrances proposed and a service road loops around the building. Half of the parking is located underground in effort to preserve as much green space as possible. The closest point to a residential home is 190' across a four-lane roadway. It is setback slightly more from Nall than the original submittal.

Mr. Muller presented a cross section showing the relationship between a residential property located directly across from the Stratford a distance of approximately 240' and reflecting the front entrance of the house and the Stratford to be approximately 2 feet different in elevation.

Traffic

By no longer consolidating the development into one point of entrance. The traffic on Somerset is essentially cut in half. Their traffic study and that of Overland Park showed traffic volumes on Nall south of the Somerset intersection have been declining with Nall operating below its designed capacity. The proposed development will increase traffic on Nall by approximately three percent and will not adversely affect traffic flow or traffic safety.

One of the issues raised by staff relates to the sight distance from the southern most entrance. Mr. Muller showed a slide reflecting the sight distance study they conducted based on the posted speed of Nall at 35 miles per hour which requires a sight distance of 412 feet. The sight distance provided by their plan is 460 feet. In reviewing this issue, accident reports were pulled for the two entrance locations and found no accidents reported since 2000 at the southern entrance and only three accidents from the other entrance. Mr. Muller noted none of these accidents involved a turning movement.

Mr. Muller reviewed the proposed roadway improvements at Somerset and Nall. They will widen Somerset to the south on Club property to provide wider lanes and additional stacking distance for those turning left onto Nall. They will also be widening the turning radius from northbound Nall to eastbound Somerset. The proposed stacking distance for cars turning left will be increased from 70' to 250'. The entrance to the Club off Somerset is located about half way between Birch and Rosewood. The entrance has one lane in and two lanes out and provides some level of stacking for those people turning into the club. The proposed location will also discourage cut-through traffic on Rosewood to the north, which was a concern of the residents.

GreenSpace

The preservation of greenspace complicates the design of this project, but is critical to success of the project and to the City. One of things they are trying to do in the process is to place a deed restriction over the entire property that basically prohibits future development at this site. This adds stability to the site and another layer of difficulty in the process of changing what happens on this site.

Mr. Muller noted this is very important to the Condo owners, who may have purchased based on the property being surrounded by a golf course. It has been discussed to have these restrictions on into perpetuity. Others have suggested a sunset date. They are open to the concept of a sunset date provided they can include the condo owners association's approval for the changing of the deed restrictions.

The former proposal had a rezoning boundary that included only the land that was being changed. The proposed rezoning is for the entire site. By a planned rezoning of the entire site, everyone surrounding the site has assurance that what is seen on the final development plan is what they will get. If in the future another developer comes along, they will be required to follow the same open public process to make any change. The zoning of the entire site and deed restrictions offer a level of protection and stability to this site.

Mixed Use

Rich Muller feels this is mixed use zoning as it does place emphasis on increased density through vertical integration of uses. Because of the need to maintain greenspace, he feels consideration should also be given to a horizontal mixed of uses at this point. He acknowledged this is primarily a mixed residential development with a substantial recreational use component. He feels what it lacks in commercial and retail uses it makes up for in its close proximity to these uses. If you look at the density of the Stratford, the short distance to the condominium units and the short distance to the commercial/retail development to the south, you have the intent of the MXD zoning by putting these together.

There is a pedestrian connectivity plan with a path between the Stratford and the Condos and to the commercial area to the south by an internal sidewalk along the perimeters. He acknowledged this is not a strong connectivity; however, he sees this development as a first and necessary stage to capturing the rest of the area property and creating a larger overall district of mixed uses. He feels this initial investment will bring enough stability to attract additional investment with the demographics to support additional investment in the 95th & Nall area

Property Values & Village Vision

Mr. Muller feels this proposal addresses two major components of the Village Vision by providing different housing options within the city. It increases housing stock in a landlocked community by providing 96 condominium units, 232 senior living units while freeing up existing single-family homes for young families. This plan will bring a substantial property tax increase to the City without sacrificing 136 acres of green space. He feels the quality of the project will attract notoriety, visitors and investment by others. This development will serve as a catalyst for future development at 95th & Nall.

Mr. Muller stated he felt the time is right for this development which will also support the existing business that employs residents of the city. He stated some type of development will happen on this site. The Club has actively pursued solutions that would allow it to remain.

In closing, Rich Muller stated this project will preserve property values, add housing stock options, address declining school enrollment and increase the city's tax base. Stratford feels there is a strong market for their housing product. This is a unique opportunity for a unique in-fill site. Mr. Muller noted they had read the staff report and agree with all the stipulations recommended by Mr. Williamson with the exception of #8 which they would like to discuss.

Nancy Vennard stated the number of parking spaces is confusing and asked for clarification. The plans show 174 underground parking spaces and 175 surface parking spaces for a total of 349. The required parking by City regulations is 104 spaces plus 1 space per employee. She feels there is a large amount of surface parking provided and questioned if it was needed.

Steve Armstrong, Chief Construction Officer for the Stratford companies, replied they have established specific parking requirements for their developments. He noted this is an active independent senior living center and most couples move into the center with two vehicles. They allow one covered space and one surface space per apartment. They also need to provide for staff and visitors. One of the concerns raised by residents

was overflow parking in the streets. They want to make sure all parking is self-contained on site and properly screened and landscaped.

Mrs. Vennard responded they are providing almost twice the required number of spaces. Mr. Armstrong replied it is a significant number, but when you consider the 172 apartments and 60 assisted living units with a maximum shift size of 50 personnel, they feel it is necessary. Again noting this is independent living and initially the residents retain their cars, although later on this may change. They do not want to give up their mobility. They have found it very important to provide sufficient on-site parking.

Nancy Vennard noted the parking surface does not provide any additional greenspace than the minimum 15' required. She asked if the project could be moved to the east ten feet to provide more landscaping. She noted an 87' setback is not that great of the distance. Mr. Armstrong replied there may be some ways they could screen or add landscaped islands. They are willing to work with the City to minimize the impact of the surface parking.

Rich Horn, with Stratford, added in the southwest corner of the site they moved the parking area back to preserve the existing mature trees.

Robb McKim stated it appears that the grade on the upper end of the project is 36' higher than the grade below that and it appears that soil is being added raising the elevation to create one continuous first floor elevation. Mr. Muller stated this was correct. Mr. Armstrong added the natural grade from the southwest corner, which is the highest grade on the site, drops 20' as it goes to the east. Mr. McKim stated he was referencing a 36' drop from the south to the north.

Mr. McKim asked for the natural grade at ground level from the south to the north of the proposed building. It appears from the west elevation that a base is being constructed on which to set the building in order to create one continuous floor elevation.

Mr. Armstrong responded they are actually cutting into the slope in order to maintain the corner where the mature trees are located. A drive comes around and there will be a retaining wall so they can protect the elevation. The main entry level is at elevation 980.

Bob Lindeblad stated one of his concerns is that it is a level building, while Nall slopes. Is the parking going to be as flat as the first floor of the building or is the parking going to rise equal to Nall, below Nall, etc.

Mr. McKim reference sheet A21 showing the west elevation. He stated his question relates to the north end of the building and whether the north end of the building is rising above the natural or existing grade.

Harold Phelps, Phelp Engineering, stated looking at sheet C5 which shows the contours, the entry point is about elevation 976, while the point at the northwest corner of the building is about elevation 962, so there is about a 14 feet fall from the entry of the building to the corner. The building will have to come up to keep the floor elevations level. The building will be lower at the southern end of Nall and higher at the northern end. The parking lot grade will have to parallel the building.

Mr. Lindeblad asked if the northern end of the parking surface between 92nd Terrace and 92nd Place would be elevated above the existing Nall grade. Mr. Phelps stated he would expect it to be elevated some. The curb adjacent to the building will be fairly flat. The underground parking will be at different elevations.

Marlene Nagel asked if the pedestrian connection would be available for neighbors in the area to use the walking paths or are they restricted to the occupants of the development. Mr. Muller responded, this being an active golf course, they would be primarily be utilized by the residents with the exception of the public sidewalks fronting the street.

Randy Kronblad asked for more information on emergency and service vehicles coming into the site regarding turning radius etc. The turns off from Nall appear to be very tight.

Harold Phelps responded that one of the things brought up in the traffic study was that a larger radius be used for the main entrance for fire trucks and delivery trucks. They intend to follow the recommendation making it a 40 foot radius. They will also adjust the other entrance.

Bob Lindeblad asked for the square footage of the floor area of the Stratford Building. Mr. Muller responded it is approximately 400,000 square feet.

Mr. Lindeblad stated the City's Traffic Engineer's Report followed guidelines based on a 40 mile per hour speed of traffic and the design requirements for new road construction which requires a sight distance of 470 feet.

Mr. Muller responded they feel the 35 mph base is more appropriate based on the low volume and the low traffic accident data for the area. Mr. Lindeblad noted the City of Overland Park does not feel the sight distance is sufficient and voiced serious concerns with the access off Nall. Mr. Muller stated there may be things that could be done with the entrance to address those concerns.

Norm Bowers, Traffic Engineer for the applicant, noted based on the accident data they received, they felt the 35 mph base was appropriate. He noted using 40 mph base only adds 15 more feet of distance to that being proposed. He feels the higher standard is too strict. The real issue is where the left turn out only crosses two lanes of traffic.

Marc Russell asked the applicant's concerns with the 8th stipulation listed in the staff report. Rich Muller stated the entrance road from the beginning has been proposed as a public street and this is the first they've heard of making it a private street. They would like to have the opportunity to discuss this further with staff. He feels the underlying philosophy in determining such is emergency vehicle traffic. This is a single purpose road, it can not be used as a drive through roadway and has been designed to accommodate emergency vehicles.

Marlene Nagel noted the City's traffic study recommends the entrance road align with Rosewood. Rich Muller responded two issues caused the relocation of the entrance point: the first being the concerns of the neighboring residents that by relocating it, drive through traffic would increase on Rosewood. The second reason for the move is it was necessary for the redesign of the golf course.

Bob Lindeblad called upon Ron Williamson, City Planning Consultant for his review of the project and comments. The staff report prepared by Mr. Williamson follows:

At its regular meeting on November 6, 2007, the Planning Commission concluded its public hearing on the previous application and unanimously recommended to the City Council that the zoning and preliminary plan be denied primarily because the proposed six story building at the intersection of Nall Avenue and Somerset was out of character with the surrounding single-family neighborhood and the Commission did not feel that the proposal was consistent with the intent of Village Vision. The applicant withdrew the application after the meeting and did not present it to the City Council.

The applicant has revised the plan and submitted a new application for consideration by the Planning Commission and City Council. The major changes are as follows:

1. The Stratford Senior Living Building has been relocated to the southwest corner of the site. It has been reduced in height from five and six stories to three and four stories. The number of units has increased from 219 to 232 and the footprint of the building has increased in size.
2. The height of the two condominium buildings has increased from four stories to five stories, but the number of units is still 96.
3. The clubhouse has been moved further north away from the edge of the lake.
4. The entrance road to the golf course and condominiums has been moved further east so that it no longer aligns with Rosewood north of Somerset Drive.
5. The nine townhouse units have been deleted from the plan.
6. The application for rezoning includes the entire Meadowbrook Country Club property. Since the condominiums and senior living area are totally separated now, it is more appropriate to include the entire site.
7. The north access from the existing club house to Nall Avenue will be closed and two new access points are planned further south at 92nd Terrace and 92nd Place.
8. The traffic study has been updated and now the traffic that had been assigned to Somerset from Stratford is now assigned to Nall Avenue.

The applicant is proposing a mixed residential project combined with a rebuilding of the Meadow Brook Golf Course, swimming pool, tennis and clubhouse facilities. The existing clubhouse and swimming pool pavilion will be demolished and rebuilt. The swimming pool was recently renovated and a new pavilion will be built in that area. The new clubhouse, however, will be built near the condominiums on the north side of the lake.

The proposed project includes two housing types: condominiums and senior living. The proposed condominiums will be located near the lakes on the interior part of the site on 5.33 acres. There will be 96 units in two five-story buildings. The units will be one to

three bedrooms with an average unit size of 1,750 sq. ft. Parking will be provided underground for 162 cars and 18 surface spaces will be provided for visitors, for a total of 180 spaces. The ordinance requires two spaces per dwelling unit, which is 192 spaces and therefore 12 additional off-street parking spaces will need to be provided.

The proposed senior living building (Stratford) will be located at the southwest corner of the site on 8.40 acres. The proposed building will be three and four stories high and contain 232 units which include 172 independent living units; 20 Alzheimer's living units (24 beds) and 40 assisted living units (48 beds). This will be a full service facility with wellness, spa, restaurant and lounge facilities. It will be similar in operation to Claridge Court. Parking will be provided underground for 174 spaces and surface for 175 spaces will be provided, for a total of 349 spaces. Required parking is 104 spaces for the units plus one space for each employee.

The two residential uses will occupy 13.73 acres. The golf clubhouse and parking will occupy 2.84 acres, including 156 parking spaces. The swimming pool/tennis center, including 77 parking spaces, will occupy 3.80 acres. The net area of the site is 138.70 acres; after all the developed area is deducted, the net area of the actual golf course will be 118.33 acres.

Since this is the first application for this District, it might be appropriate to restate the Purpose and Intent which is as follows:

Purpose and Intent

The zoning of property to the MXD, Planned Mixed Use District, is intended to encourage a variety of land uses in closer proximity to one another than would be possible with more conventional zoning districts, to promote sustainable development with projects that achieve a high level of environmental sensitivity and energy efficiency, to encourage design and construction using Leadership in Energy and Environmental Design "LEED" principles and practices; and to encourage building configurations that create a distinctive and memorable sense of place. Developments in this district are allowed and expected to have a mixture of residential, office and retail uses in a single structure or multiple structures along with public spaces, entertainment uses, and other specialty facilities that are compatible in both character and function and incorporate a coordinated consistent theme throughout the development. Developments are also expected to utilize shared parking facilities linked to multiple buildings and uses by an attractive and logical pedestrian network that places more emphasis on the quality of the pedestrian experience than is generally found in typical suburban development. Buildings are intended to be primarily multi-story structures with differing uses organized vertically rather than the horizontal separation of uses that commonly results from conventional zoning districts.

The applicant held two public information meetings on February 21st and 26th. Approximately 30 people attended the first meeting and 60 at the second meeting. Many of the questions asked were not related to zoning issues, but several were. The questions that are of concern to the rezoning application relate to traffic, access to Nall Avenue, access south to 94th Terrace, off-street parking, greenspace, setbacks, sewer service, location, height, and size of the Stratford building, design of the Stratford building, and project financing. The applicant responded to these questions as noted in

the detailed meeting memorandums and for the most part satisfied the residents in attendance. Several of the items are addressed in more detail in this staff report.

In considering a change in zoning classification, the Planning Commission must consider a number of factors, commonly referred to as the “golden” factors, in approving or disapproving the request, and they are as follows:

1. The character of the neighborhood.

The existing neighborhood is characterized by low density single-family development to the east, north and west of the Country Club with office and commercial to the south. The golf course is a large open space that contains a significant amount of mature trees and water features. There also is a high voltage power transmission line that runs along the north side of the property from the electrical substation on Roe Avenue.

2. The zoning and uses of property nearby.

The application area is zoned R-1A with a Special Use Permit for a country club and is developed as a golf, swimming and tennis country club. The property to the north and east is zoned R-1A and is developed for single-family residences. The area to the south is zoned CP-1 and CP-0 and is developed for office and commercial uses. The area on the west side of Nall is in Overland Park and it is zoned R-1 Single-family and developed for single-family residential and a church.

3. The suitability of the property for the uses to which it has been restricted under its existing zoning.

The property currently has an approved special use permit for a country club which includes golf, swimming, tennis and support facilities. The property works well as a country club, but maintaining membership is always difficult as courses and population age. The clubhouse is over 30 years old and needs either major renovation or reconstruction. Sewer is available for this low intensity development but capacity is not available for complete development of the site. The existing use is a low intensity use that provides a large greenspace for the community and is a real asset. The durability of the existing use, the country club, is of concern.

4. The extent that a change will detrimentally affect neighboring property.

The project will generate additional traffic on both Somerset Drive and Nall Avenue, but the street network has adequate capacity to accommodate it. The realignment of the main entrance east of Rosewood Drive will eliminate traffic driving north on Rosewood Drive, which was an objection of the neighbors. The applicant also has agreed to widen Somerset Drive at the intersection with Nall Avenue to improve traffic movement.

The question that is still raised by the neighbors is the height and size of the Stratford Senior Living Building. At its closest point the building sets back approximately 87 feet from the Nall Avenue right-of-way. The height and mass of this building versus open space preservation is one of the main issues that the Planning Commission will need to address. It was mentioned several times that the building should be located more interior on the site. Since it will be occupied by elderly people, the number of emergency calls will be greater and accessibility is more critical therefore a location near the major streets is important.

5. The length of time of any vacancy of the property.

The property is currently occupied by a country club, is not currently vacant and has not been vacant for over 30 years.

6. The relative gain to the public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners.

The approval of this development plan will provide a variety of housing choices to the residents of Prairie Village. The City is built out and there is very little opportunity to bring new housing to the market place. This project will not remove any existing homes from the inventory or cause any relocation. The hardship on neighboring landowners should be minimized through good planning, design and construction. The approval of this project will also provide for preservation of the golf course as open space for the future.

7. City Staff Recommendations.

The Preliminary Development Plan as submitted is a result of an analysis of the site and the potential market for residential development in Prairie Village. Several different plans have been prepared and this Plan has evolved over several months from that process. Staff has reviewed the Preliminary Development Plan and although there are some issues that still need to be addressed, it is Staff's opinion that the Plan is a workable one in that it provides higher intensity development as recommended in the Village Vision and it permanently preserves the open space of the golf course which has been a great concern to the community. The issues that still need to be addressed are as follows:

- a. The applicant will need to submit a preliminary outdoor lighting plan that is in accordance with the outdoor lighting regulations in the Zoning Ordinance.
- b. Signage has not been completely addressed for the project and detailed plans will need to be submitted for Planning Commission approval. The location of monument signs is shown on the Preliminary Development Plan, but the design of the signs depicting the materials and text will need to be completed and submitted for approval which can occur at the approval of the final plan.
- c. A Stormwater Water Management Plan has been prepared and since this site drains directly into the City of Overland Park, it is being coordinated with the City of Overland Park. Prior to consideration of the preliminary plat or final development plan, the Stormwater Management Plan must be approved by the Prairie Village Public Works Department with concurrence of the City of Overland Park.
- d. The applicant needs to submit a copy of the final covenant documents to the City for comment prior to submitting the final development plan. The covenants need to specifically address the maintenance of the common areas and the preservation of the open space. A question was raised by the Planning Commission whether the open space preservation should have a termination at perhaps 25 years or whether it should be forever. This needs further discussion by the Commission.
- e. The landscape plan is conceptual, which is adequate for this level of review, but a detailed Landscape Plan will need to be prepared and submitted with the final plan for review and approval of the Planning Commission and Tree Board.

- f. The City of Overland Park Planning Staff has reviewed the plans and has several comments for consideration:
Screening: Consider reducing the amount of parking along Nall Avenue and provide a larger buffer area where additional plantings could be added. Stratford is providing nearly 1.5 spaces per dwelling unit which may be more than necessary.
Drainage: A recently completed Indian Creek Watershed Study shows that 50 or more residential structures immediately downstream are subject to flooding. (This is addressed in paragraph c above.) This stresses the importance of the necessity of a stormwater management plan.
Traffic: The concern is the site distance from the driveway opposite 92nd Place for left hand turns. It was pointed out that the driveway location only allows for 380 feet of sight distance to the south when the standard is 475 feet. The traffic study submitted by the applicant indicates that the sight distance to the south from the south driveway is 460 feet, and the required site distance is 416 feet. The City's Traffic Engineer has reviewed the Traffic Study and concurs with the applicant that the sight distance is adequate.
- g. Parking areas - The parking lot at Stratford is approximately 575 feet long running parallel to Nall Avenue with no landscaping to break it up. The sidewalk adjacent to the parking lot curb should be wider. The five-foot width will be reduced to three feet because of vehicle overhang which is not adequate. It should be widened at least an additional two feet. It should also be noted that the off-street parking for the condominiums is less than required by the ordinance. Also ADA parking spaces need to be identified on the plans.
- h. Golf Course Entrance Road - The golf course entrance road is approximately 1,200 feet in length from Somerset to the cul-de-sac. The subdivision regulations recommend that cul-de-sacs generally not exceed 500 feet. Since the applicant will be requesting incentives which will limit the tax revenue generated by this development, it is suggested that this road remain private and be maintained by the Homes Association. The width of this road may not be adequate to accommodate fire trucks and other emergency vehicles.
- i. Access drives to Nall Avenue - The access drives to Nall Avenue are not adequate to accommodate emergency and delivery trucks. These need to be redesigned to accommodate trucks. Also the driveway around the building will need to be redesigned with turnarounds on the east side. Emergency vehicles will not be able to pass through the covered service area.

8. Conformance with the Comprehensive Plan

The Village Vision specifically addressed the redevelopment of the Meadowbrook Country Club. The recommendation was to develop a planned neighborhood with a mix of residential uses, open space and higher density. The items mentioned are as follows:

- Encourage potential developers to obtain community input. The developer has met with the Meadowbrook Country Club members numerous times to develop a concept plan. The developers have taken that plan to the neighbors for their comments and input. Meetings were held on February 21st

and 26th. The Village Vision, however, outlined a more inclusive process for the citizen by which was more active than reactive.

- Allocate a portion of the site for public recreation/greenspace. The proposed development will occupy only 13.73 acres which will leave 124.97 acres for recreation/greenspace, which will be permanently preserved for greenspace through covenants.
- Assure Connectivity - Village Vision encourages both vehicular and pedestrian connectivity to be included in the redevelopment plan. There is neither vehicular nor pedestrian connectivity between the proposed residential uses and they have not been integrated into Meadowbrook Village Center. There is a five-foot sidewalk along the west side of the golf course entrance road that connects the condominiums, club house, and pool/tennis area. There is a sidewalk proposed along the east side of Nall Avenue, but a pedestrian connection needs to be made from the building to the southwest corner of the site. The condominiums have no pedestrian connectivity to the commercial areas to the south.
- Neo Traditional Neighborhood Design - The Village Vision identified this as an opportunity for a new neighborhood center with amenities such as open space that cannot be provided in other locations. It would be more of a new community with mixed use integrated rather than an assembly of different residential uses. It should be pointed out, however, that the Village Vision anticipated redevelopment of the entire county club and not just a small part.

RECOMMENDATIONS:

Prior to making its recommendation, the Planning Commission must make findings of fact based on the "golden factors" that have been set out in this staff report. The Planning Commission can recommend approval, approval subject to conditions or denial of the MXD rezoning and the Preliminary Development Plan. If the Planning Commission finds favorably on the findings of fact, it is recommended that it be subject to the following conditions:

1. The applicant submit an outdoor lighting plan in accordance with the outdoor lighting regulations with the final development plan.
2. The applicant submit detailed plans for the monument sign façades with the final development plan.
3. The applicant obtain approval from the City of Prairie Village Public Works Department and the City of Overland Park for the Stormwater Management Plan prior to submitting the final development plan.
4. The applicant submit a copy of proposed covenant documents preserving the open space and guaranteeing maintenance of improvements with the final development plan.
5. The applicant submit a detailed landscape plan with the final development plan for review and approval by the Planning Commission and Tree Board.
6. The applicant provide better pedestrian access to the commercial area to the south.
7. The applicant redesign the parking area at Stratford to incorporate landscaping and widen sidewalks and verify the number of parking spaces meets the ordinance.
8. The golf course entrance road be a private street.

9. The split rail fence along Nall Avenue be relocated so that it does not cause sight problems for traffic exiting on Nall Avenue.
10. The access drives to Nall Avenue and the driveways around the Stratford building be redesigned to accommodate emergency vehicles.
11. The applicant provide additional off-street parking for the condominiums.
12. The applicant meet with emergency service providers to be sure that the golf course entrance road is adequate to accommodate emergency vehicles.

Mr. Williamson noted the calculations for parking were estimated since the number of employees was unknown. However, the experience at Claridge Court, a similar type of development, stressed the importance of sufficient parking. He noted Claridge Court is currently leasing space and busing employees from an off-site parking lot. He also suggested that some of the surface parking spaces be constructed using green concepts.

The City will need to receive a final set of covenants and they need to address more completely the restrictions and process and steps for changing the deed restrictions at the final plan approval.

Mr. Williamson reviewed the approval process which includes the preliminary plan, final plan, preliminary and final plat. There will be several opportunities for review and refining details.

Mr. Williamson noted the Fire District in his review of the plans, also stated the turning radii need to be increased. The Fire District also needs turn around areas on the back side of the Stratford Building unless they can drive through the service area. Mr. Armstrong replied there is sufficient height for them to drive through the service area.

Bob Pryzby, Public Works Director, stated they are still waiting for the stormwater management plan and noted Paul Plotas with TranSystems is present to address questions of the traffic report.

Marlene Nagel requested to hear from Mr. Plotas regarding his report.

Paul Plotas, TranSystems, 2400 Pershing Road, Suite 400, stated from a traffic perspective he would rather see the entrance aligned with Rosewood to form a four-legged intersection than to have two T-intersections within a short distance of one another. It is not unacceptable as proposed, but not the preferred location in his opinion.

On the Stratford building, the sight distance is short fifteen feet for the south entrance and he noted there are ways of addressing that such as changing the profiles of the driveways, i.e. going from a decline drive to a level drive, raising the eye height of the driver leaving the parking lot. He noted that this simple action may result in providing the additional 15 feet of sight distance that is needed.

Mr. Plotas noted sight distance can be based on the posted speed limit or five miles over the posted speed limit and both are simply ballpark calculations. Using 5 miles over, usually creates a safe distance without using the design speed. The sight distance should really be based on what speed people are driving, which would require

a speed study to determine the average speed in the calculation. The difference of fifteen feet should be able to be addressed with detailed design changes.

The Vice-Chairman opened the public hearing and outlined procedures to be followed during the public hearing.

Carol Pisano, 5500 West 92nd Place, requested permission to read comments from Lillian Steinmer, 5501 West 92nd Place, who was ill and unable to attend. Her comments addressed increased traffic and a lack of privacy that will be caused by the proposed development facing their home. She feels the access on Nall for the Stratford will create traffic problems. She also felt the project would decrease their property value as it would create a view, not of open landscape and sunrises, but of brick and increased traffic.

Mrs. Pisano stated it was her understanding this project was to enhance the appearance of the country club, increasing revenues and adding members through the condominium residents. She noted that Steve Armstrong earlier stated "I do not think this is a good location" when questioned about the placement of their building in its new proposed location. Mrs. Pisano agrees the original location at the northwest corner of the site is a much better location. She feels if approved, the city will receive requests from Claridge Court and Brighton Gardens to increase the height of their facilities. She noted people who live in assisted living and have Alzheimers don't play golf and no longer drive a car, and asked what happens to residents who need medical care.

Jim Graham, 9324 Outlook, in Overland Park directly west of the building. He noted there is a significant increase in the amount of concrete surface and feels this will flood and cause Nall to be closed following heavy rains. He noted a few years ago a cellular tower was proposed at location of the Stratford and denied by the City of Prairie Village. He stated the construction of a tower would have had minimal impact on the green space and no additional traffic. Now four large buildings are being proposed significantly impacting both green space and traffic.

Mark Steinkamp, 9107 Beverly, just west of the project on Nall, is concerned with emergency vehicle traffic on the two lane roads north of 91st Street because it narrows to two lanes to reach Shawnee Mission Medical Center. He noted there is no room for vehicles to pull off the roadway for ambulances to pass and he anticipates an increase in ambulance traffic from the proposed development.

Roy Blazek, 5600 West 92nd Place, addressed his concern with sight distance. The speed of traffic on the road has increased to the extent they no longer make left turns onto Nall, He feels the two new entrances will make left turns an impossible situation. He estimates that 75% of the traffic on Nall exceeds the 35 mile per hour speed limit, making the sight distance of 92nd Place to the top of the hill critical. He noted the two new access points will create an even larger backup of vehicles from people attempting to make left turns, possibly creating a gridlock situation from 91st to 95th, especially during rush hour. He would like to see the entrance at 92nd Place moved between 92nd Terrace and 92nd Street to take into account the issue of sight distance. Additional traffic will be generated by the 192 independent senior residents with cars.

Les Woller, 9318 Roe, noted there has not been much discussion of the two buildings, which have 96 condominium units. He noted the short and long-term projections for condo sales is not promising and asked what would be done if the units could not be sold. Would they become rental units, be sublet, etc. What is the future plan if they do not sell?

Leon Patton, P.O.Box 8047, lives on property backing up to the golf course, noted the financial difficulties of the country club. He is convinced it will not be able to continue at present status, something will happen on that property. He asked the Commission to work with the developer stating he would much rather have a 64 foot condo 300 feet behind his house than a two story house immediately on the other side of his property. The affect of homes immediately behind his house is far greater than the effect of multi-story buildings hundreds of feet away. He feels it will be far better for the community to be able to retain this golf course than to have the club fail.

Fred Greenbaum, 4861 West 90th Street, stated he sees the situation as the City having a golf course without the financial ability to continue and noted the City has some alternatives: Accept the proposal which brings some buildings to the site, but maintains the character of the golf course and retains the green space in Prairie Village. He feels the preservation of green space should be primary and the main goal. The City is not able to come in and buy the land and run it as a public golf course. The proposal preserves that character of what exists, even enhancing it. He hopes the City will work with the developer to preserve the green space and golf course. He also feels it is important that this land continue to serve as a golf course into perpetuity and there should be a covenant to ensure this happens.

Liz Christian, 9084 Rosewood, across from the club, read a statement acknowledging the golf club is not financially able to continue operating and the City is not financially able to purchase the property and continue its use as a public golf course. Prairie Village has stated in its Village Vision the need for expanded housing opportunities within its limited boundaries and the desire for maintaining green space. Ms. Christian noted the first plan submitted seemed to be at odds with the Golden Factors for rezoning and the Village Vision in a number of ways. The second plan has been created with the open collaboration of the residents and addresses a number of the residents concerns. The majority of the concerns she has heard from neighbors are related to traffic concerns and the future of the green space. If those issues are addressed, many neighbors feel this current plan is one they can live with.

Randy Cohn, 7160 Village Drive and both a resident of Prairie Village a member of Meadowbrook, stated the golf course is not for sale. This is an opportunity to move the vision of Prairie Village forward. They have not discussed Plan B as they are focused on the club and moving forward for the future. Plan B would be to come to the members and say "we need money", vote and maintain operations by assessments.

Joe Gittemeier, 4601 West 87th Street, feels the City is going to have to make a choice. If they feel there will be traffic problems with the Stratford, what type of problems will there be if the land is sold to a developer and 500 single family homes are constructed. He noted he has heard a lot of discussion about sight lines and he understands it; but he noted the sight distance coming out of the north exit from Hen House at Corinth Square where the sight lines are less than 175 feet. He feels there is sufficient sight distance

and he is confident that if this doesn't happen Meadowbrook will not be able to stay open.

Dave Nordquist, 5501 West 92nd Terrace & Nall, noted this will take more than one-third of his green space and would like to see the Stratford squished.

Craig Salvay, 8821 Birch Lane, encouraged the Commission to flush out the deed restrictions now. If there will be a point where those deed restrictions will sunset or expire, the needs to be known now. It is important for the preservation of green space. Also determine who it is and by how much they have to vote to change these. He suggests these be submitted prior to any further action on the plan. He offices at 94th Terrace and Nall and can assure you there are not 250 feet when he wants to turn out to southbound Nall from 91st Terrace. He noted the rule of thumb generally requires 8 seconds for turning and noted he never has 8 seconds to turn south from 94th Terrace. He suggested the street remain private as long as there is any tax abatement after which time the City will have tax revenue and it can then be dedicated to the City. It should also be built to the standard of the state or federal highways to accommodate water runoff.

Bob Wayne, a member of Meadowbrook from its beginning residing at 12723 Cedar in Leawood, stated this is a win/win situation. The City will retain green space and get increased tax revenue. If there are minor problems to be worked out, OPUS and Stratford have demonstrated their willingness to cooperate with you to see that it is a viable plan.

Doug Brown, 5816 West 92nd Street, representing his Overland Park Homes Association Board, noted cities change and evolve over time and Prairie Village needs to do so. He felt for the residents off Somerset who felt the initial proposal was not good for traffic. Now the residents of his homes association are facing the same situation with traffic flow, cut through traffic, the same reason the Stratford building was moved. He appreciates care extended to residents of Overland Park and his homes association in trying to preserve green space and hopes that the City follows through. He does not want Meadowbrook to die so this project needs to happen. He would much rather look at nice buildings and greenspace than 500 single-family homes.

Linda Salvay, 8826 Birch Lane, noted there have not been any elevations shown of what the project would look like only site plans. In the event that Meadowbrook is not viable and we have committed to maintaining green space, she asked who will be responsible for maintaining this space.

William Webster, 4841 West 90th Street, expressed his gratitude to the Commission and the developers to be responsive to their concerns. This is an opportunity for someone to come forward to lock in this use into perpetuity, He hopes the Commission and the City Council will seize that opportunity to preserve this green space into the future. He appreciates the substantial movement that has occurred.

David Morrison, 9021 Delmar, campaigned for the recent council seat in this ward where he campaigned to preserve this green space. He stated the people in his ward voted two to one to oppose the development, which was his platform for election. He wants to preserve the club and see the club continue. He wants to get City, County and State

money buy the land that OPUS now is wanting to purchase from the club to preserve this site with a coalition of intergovernmental cooperation between the city and state. He feels there is an alternate plan in the works and asked the Commission to table the OPUS plan until he can get more details.

Dr. Joe Guastello, 4712 West 86th, a 35 year resident and 22 year member of Meadowbrook, stated Prairie Village needs Meadowbrook and Meadowbrook needs Prairie Village. He disputed the comments from Mr. Morrison that all the Prairie Village residents are against this development.

Marlene Graham, 9324 Outlook, and long-time resident of this area, stated when she travels north on Nall, if she misses the light at the 95th Street intersection and needs to turn left, she will go all the way to 91st Street. It is very dangerous and feels the reason for the low number of accidents are residents realizing the danger and turning at 91st or 95th. She asked the Commission to remember the neighbors across the road. It is very difficult to make a left hand turn. People do not travel 35 miles per hour, they travel faster.

She also expressed concern with what they would be looking at, noting an elevation of the proposed buildings has not been presented and it is hard to imagine from the drawings the visual impact. She asked the Commission to have regard for their safety and their view in their review of this proposal.

Joan Nordquist, 5501 West 92nd Terrace, referenced a three-page letter sent via e-mail to the Commission. She resides directly across from the Stratford and does not consider the placement of a sidewalk and double rows of parking followed by a three story building as a very attractive view. She wants the golf course to continue and feels the green space is very important. The Stratford plan is very large, too close to the neighboring residential property and places a huge footprint on the best view in Prairie Village. They would like to forego the Stratford and see a park placed somewhere on the property for all residents in the community to enjoy.

Steve Nordquist, 5501 West 92nd Terrace, expressed concern with the missing elevations and the missing stormwater management plan. He noted water supply has not been addressed. He feels the plan needs a lot more to polish before approval.

No one else desired to speak at this time. Bob Lindeblad called upon Rich Muller to respond to the questions raised.

Storm Water Management

Harold Phelps, with Phelps Engineering, noted they did the initial Indian Creek watershed study for the County so they are aware of the issues at this location. They feel they have more than adequate storage capacity with the amount of surface area on this property. They have not done the detailed analysis yet, but see that as more of a final development plan issue. Their intent is not to increase the amount of storm water runoff from this site. They will address the impact of the additional impervious areas created by the Stratford, the condos and the club house.

Bob Lindeblad confirmed for the public they are looking at storm water detention on site with lakes to retain storm water above the normal flow currently experienced. They will

not discharge any additional storm water off the site. Mr. Lindeblad confirmed they have submitted a preliminary report and are confident they can meet the requirements of the city.

Traffic on Nall & 92nd Place & Terrace

Norm Bowers noted the older residents generally do not use the street during peak traffic hours. At the Stratford there is approximately 1 vehicle every 3 minutes during the peak hours of 5 pm to 6 pm leaving and entering the site.

Bob Lindeblad asked how many trips were projected into and out of the Stratford during a day. Mr. Bowers responded 539 Trips.

Robb McKim confirmed the data given was for the site, not for each entrance area.

Sale of Condominium Units

Rich Muller stated they are aware of the current housing and condo market. He noted these units are not being built today to be sold tomorrow. They are looking at delivering the condos in about 24 months. It is projected the current housing stock will be absorbed within 12 to 16 months.

They will require a high pre-sale threshold to begin the project in the range of 50% to 60%. These condos are unique to Kansas City and studies indicate there are 96 individuals who would buy a condominium on a golf course within the I-435 loop.

He does not feel these units could economically be converted to apartments.

What do Condominium Units look like

Mr. Muller acknowledged they only showed only partial elevations during the presentation. The complete elevations are included in the full submittal made to the City and available for review. Mr. Lindeblad stated what he feels is necessary is a photo simulation, similar to what was presented last time, from driving down Nall giving a three dimensional perspective photo simulation of what this would look like.

Amount of Emergency Traffic

Rich Horn noted the city has Claridge Court and Brighton Gardens. The population anticipated for the Stratford will generally be younger in age and healthier than in those communities. Steve Armstrong noted based on experience with these other facilities, emergency vehicle traffic is generally at most one call per week. This includes both emergency calls as well as transport calls.

Robb McKim asked if there was an age criteria in place. Mr. Armstrong responded the proposed facility is a continuing care facility designed for multiple levels of care. There is no nursing care offered at their facility. At the time when acute nursing care is needed, the Stratford will cooperate with area facilities offering that care and the resident will be transferred after an assessment by their personal physician. Most of their residents transfer from independent living to assisted, but very few actually go into long-term care.

Details of the Deed Restrictions & Maintenance

Mr. Muller stated they agree more clarity needs to be brought to this issue. They are proposing a permanent deed restriction prohibiting development on the site forever. As far as the maintenance of the property as a golf course, they are confident that Meadowbrook will succeed as their debt is erased. If not, he feels there are other operators that would be interested in the course. The deed restriction will be to the Condo Association and they would ultimately be responsible for the maintenance of the green space. Mr. Muller noted the club is giving up their property rights to 136 acres for the benefit of this community with the deed restriction on the site they can not sell the land or portions. He acknowledged there are issues to be looked into further and to be resolved. He feels this will take time, and doing it prior to getting approval of the preliminary plan would not be time well spent.

Police Chief Wes Jordan expressed concern with the Nall entrances. He noted there have been accidents involving northbound traffic. He understands the sight distance clearances from the engineer's standpoint, but noted elderly drivers have slow reaction times. He noted the traffic on Nall does traveling above the speed limit. He feels this will create a traffic problem for residents coming out from a dead stop trying to merge onto an ending lane with traffic travel over 35 miles an hour. He would like the opportunity for his staff to further review the plans from the safety perspective. He also has a concern with delivery vehicles, noting currently delivery vehicles serving Claridge Court simply stop on Mission Road because they can not get into the development due to the traffic on Mission Road.

Bob Lindeblad thanked all present for their comments and stated the Commission would now deliberate amongst themselves.

Randy Kronblad stated his basic concern is the relationship of the Stratford Building to Nall and its close proximity. He feels there needs to be a buffer provided for the parking along Nall, although there is limited space, there should not be parking directly off Nall. Mr. Kronblad also expressed concern with the ability of emergency vehicles and trucks to enter the site.

Robb McKim complimented both the developer and the neighbors in their efforts to work together to try to address concerns and recognize the amount of work that has gone into this project. He has three areas of concern.

- 1) He does not see this as a mixed use development and does not feel it meets the expectations stated in the ordinance for a mixed use district. It is not place making and does not integrate itself to the existing adjacent development. Comments were made on the last project regarding connectivity. They have addressed that with a walk which is something, but it is not integration.
- 2) He is concerned about the scale of the building - the Stratford in particular, with a continuous building elevation of 500' or more basically unbroken is a very large building and not in character with the neighborhood.
- 3) He does not see conformance with the objectives, goals or aspirations stated in the Village Vision. The developer has been very pro-active in meeting with the adjacent property owners, but there was not large scale community involvement. The Village Vision promotes a more comprehensive development of this site with increased density, mixed uses, as well as the retention of green space.

Mr. McKim confirmed the preservation of green space is only for private use and only accessible to the public by view. Mr. Muller stated the public would only be able to use the green space as members of the club or guests of the condominium owners or club member.

Robb McKim added he is also concerned with deed restrictions that cover the entire area making it difficult at best if not impossible for a future integration of these projects with the adjacent commercial area to the south so some semblance of mixed used may be possible at some point in the future. There would be no flexibility or ability to make that integration happen.

Nancy Vennard expressed two concerns with the proposed development:

- 1) The lack of connectivity. She questioned if a road could be created hugging the property line from the Stratford connecting up with 94th Terrace possibly getting an easement to cross over the office building property to provide real connectivity to the shopping area. This would also alleviate traffic coming out to Nall . This would feel more like a public space and increase the potential for redevelopment of that area and not take much away from the golf course..
- 2) Mrs. Vennard is also concerned with the alignment of the street going out to Somerset. She would like to see it shifted slightly to the east prevent the lights from outgoing vehicles shining into the front window of the property owner facing Somerset.

Bob Lindeblad stated his appreciation to the applicant for the efforts taken to address the concerns stated by the Commission regarding the initial application and the concerns of the residents. He feels the dialog has been good.

Mr. Lindeblad stated he agrees with Mr. McKim that this truly isn't mixed use and isn't what the Village Vision anticipated, but noted you can not write a specific scenario for development in a Vision document. You need to address specific applications as they come before the Commission. He applauds the concept of keeping the golf course and creating different housing styles, but wishes there were more different type of housing styles. However, what concerns him the most is the length and size of the Stratford. There are not many buildings in Johnson County containing 400,000 square feet, even office buildings. He was not able to measure it using the scale presented on the plan, but feels Mr. McKim's measurement of 500 feet is fairly accurate. 400,000 square feet is huge. Driving along Nall, with the close proximity of this building to Nall, all that will be seen is a huge rectangular building constructed on a site. He would like to see it reduced, lowered or something to have less impact from across the street. He wished there could be some other type of residential solution that did not require 400,000 square feet of attached building. It doesn't fit. He feels everyone would like to see something taller more integrated located in the center of the site, not a huge monster pushed out to the edge of the property away from the other proposed development.

Because this is a huge building, he feels it is essential for the Commission to see scale perspective concepts coming up and down Nall to get a true perspective. More visual presentations are needed.

Mr. Lindeblad appreciated Chief Jordan's comments regarding the older drivers and if there needs to be adjustments made in the traffic study to address the slower reaction

time. He wants this to be a safe project. He is willing to keep trying to work out the details of this project.

Marlene Nagel asked the applicant if it would be possible for the Commission to continue the application and have the applicant address the concerns raised by the Commission.

Rich Muller stated interesting questions have been raised, comments have been valid with some being a matter of opinion and some a matter of perspective. They have demonstrated a willingness to work to create the best possible project for the City of Prairie Village and are happy to continue to work; however, there are certain things he does not feel they are going to be able to change much. He does not feel he can reconcile the level of connectivity being discussed given the circumstances of the project. The club is not for sale. They have 13 acres with which to work. The club is still going to be the club. Those 13 acres are not connected by design to increase the viability for the success of both projects. He stated they will continue to look at issues and gather information; however, he does not see how wholesale changes on the issue of magnitude can be found, but they can try.

Bob Lindeblad asked how much time would be needed. Mr. Muller stated he felt a month would be sufficient and if not would like the ability to continue.

Mr. Horn asked if changes could be submitted and considered in May. Mr. Lindeblad stated if revised drawings could be submitted to the staff for review prior to that meeting action could be taken in May. He recommended they meet with staff to discuss the issues.

Rich Muller asked if it was the desire of the Commission to have a fully negotiated deed restriction in place. Bob Lindeblad and Marc Russell stated a fully negotiated deed restriction is not necessary at the preliminary approval level. Mr. Muller asked if they could not agree in concept that there is a middle group between a sunset and perpetuity. Bob Lindeblad recommended they work with Mr. Williamson and Enslinger on that.

Mr. Enslinger noted what he heard was that there should be a balance between forever and how the City would be involved in the decision to make land use changes as it has a vested interest or is it left totally up to the owners of the property. He noted there are several different ways it can be structured.

Robb McKim stated it is easy to look at this similar to a fringe development as it is a large parcel of land; however, he sees this as an infill or redevelopment project. When he looks at the Village Vision from the perspective of the community as a whole, he sees the importance of integration and using this project as an opportunity to at least prepare for integration or mixed use at some point in the future if it becomes feasible or appropriate. He understands the applicant's perspective in looking at ways to make the project work for them, but noted as a Commissioner he has to take the perspective of the community as a whole.

Marc Russell stated he likes the plan and feels the Commission is failing to see that this is a private country club. Getting integration with property on the south will require acquisition of property and is going to be very difficult. He is concerned with the sight

lines, the elderly drivers and the traffic on Nall. He does not feel it is realistic to have fully negotiated deed restrictions within a month.

Rich Muller noted they are concerned with optimal safety as well. However, he does not feel the demographics of the Stratford are going to be that different from the surrounding neighborhoods. The traffic conditions that exist are probably very comparable to the traffic conditions that will exist after the development.

Mr. Muller asked for clarification of what the Commission would want presented if a continuance was given:

Bob Lindeblad responded he has heard a lot of concern expressed on the following:

- Detail along Nall - where the curb & sidewalk will be located
- Detail on the green space and the parking lot
- What will be seen from across the street and as you drive Nall
- Sufficient on-site parking
- If it is possible to visually breakup the appearance of 400,000 square feet, 500 foot long building.

Rich Muller stated the photo simulations done on the previous submittal were because they knew there was an issue with the height of the building. However, from his perspective he felt that once the height of the building was lowered, he did not feel they were as necessary. The height of the building was reduced by two-thirds.

Marc Russell asked if the plan could be approved with contingencies. Mr. Lindeblad responded he felt there were too many details outstanding.

Rich Muller stressed the reality of the finite amount of land that can be utilized and still keep an 18-hole golf course. To break up the Stratford into four separate buildings with a pocket park, too much ground will be taken and land is not an unlimited resource. Mr. Lindeblad responded he is not expecting major changes.

Kevin Hardin, Gastinger, Hardin Architects, the architect of the clubhouse and condominiums clarified the size and location of the Stratford. The building is approximately 500 feet in the north and south direction, approximately 200 feet in the east west direction. It is four stories in height, making each floor plan approximately 100,000 square feet. As you are driving along Nall the ins and outs of the building will make it appear to be multiple buildings. It will not appear as one long mass as you are driving along the street. It also noted the roofline is slightly different because you have different depths you are dealing with.

Bob Lindeblad summarized the areas of concern as follows:

- Setbacks of the building along Nall
- Parking
- Elevation & Grading
- Safe access to and from the drives for emergency vehicles and residents
- Photo simulations demonstrating the design of the building
- Elevation with the street showing the street contour relationship to the building
- Outline of the deed restrictions - concept

- Is there some way to keep option open to future integration and development to the south along the edge of the property

Bob Lindeblad stated he does not have strong concerns with the deed restrictions. As a mixed use district, if approved, this plan will stay in place until the City Council approves another rezoning of the property.

Ron Williamson stated the issue of green space could be addressed by setting a minimum percentage of green space to be maintained which could allow some future integration.

Rich Muller asked if the Commission was looking for anything different than he had stated during the discussion that they were willing to do. They are open to the idea of some middle ground between perpetuity and a sunset. Mr. Muller noted the time and money spent on this project to date and stated they would like to be assured there is an end in sight and that this is a project the Commission wants to happen. He noted this is a one time opportunity for development and preservation of the club.

Bob Lindeblad responded he feels the Commission would not be offering the comments and suggestions if it was not supportive of the development proceeding; however, there are items that need to be addressed and clarified. Nancy Vennard added it is better to work them out at the Commission before forwarding the request to the City Council than to have it sent back to the Commission by the Council.

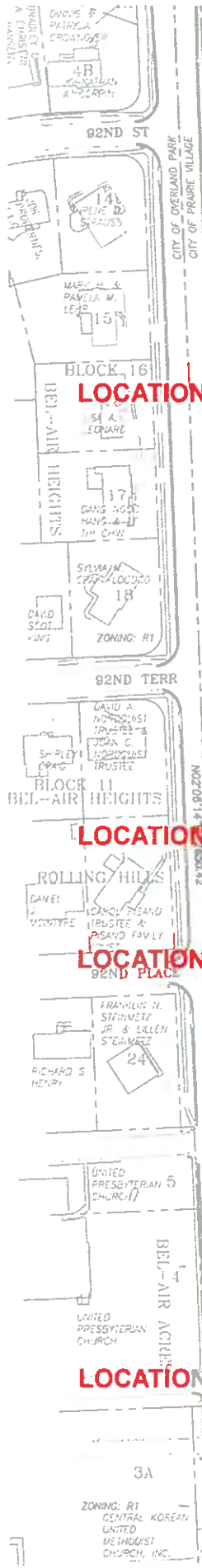
Nancy Vennard moved application PC2008-03 requesting rezoning from R-1a to MXD for the property at 91st & Nall be continued to the May 6th meeting of the Planning Commission so the applicant could address the issues listed by the Planning Commission. The motion was seconded by Randy Kronblad and passed unanimously.

Vice Chairman Bob Lindeblad noted during the May 6th meeting public comment and discussion will be limited to those items identified by the Planning Commission to be reviewed.

ADJOURNMENT

With no further business to come before the Planning Commission, the meeting was adjourned by 11:15 p.m.

Bob Lindeblad
Vice-Chairman

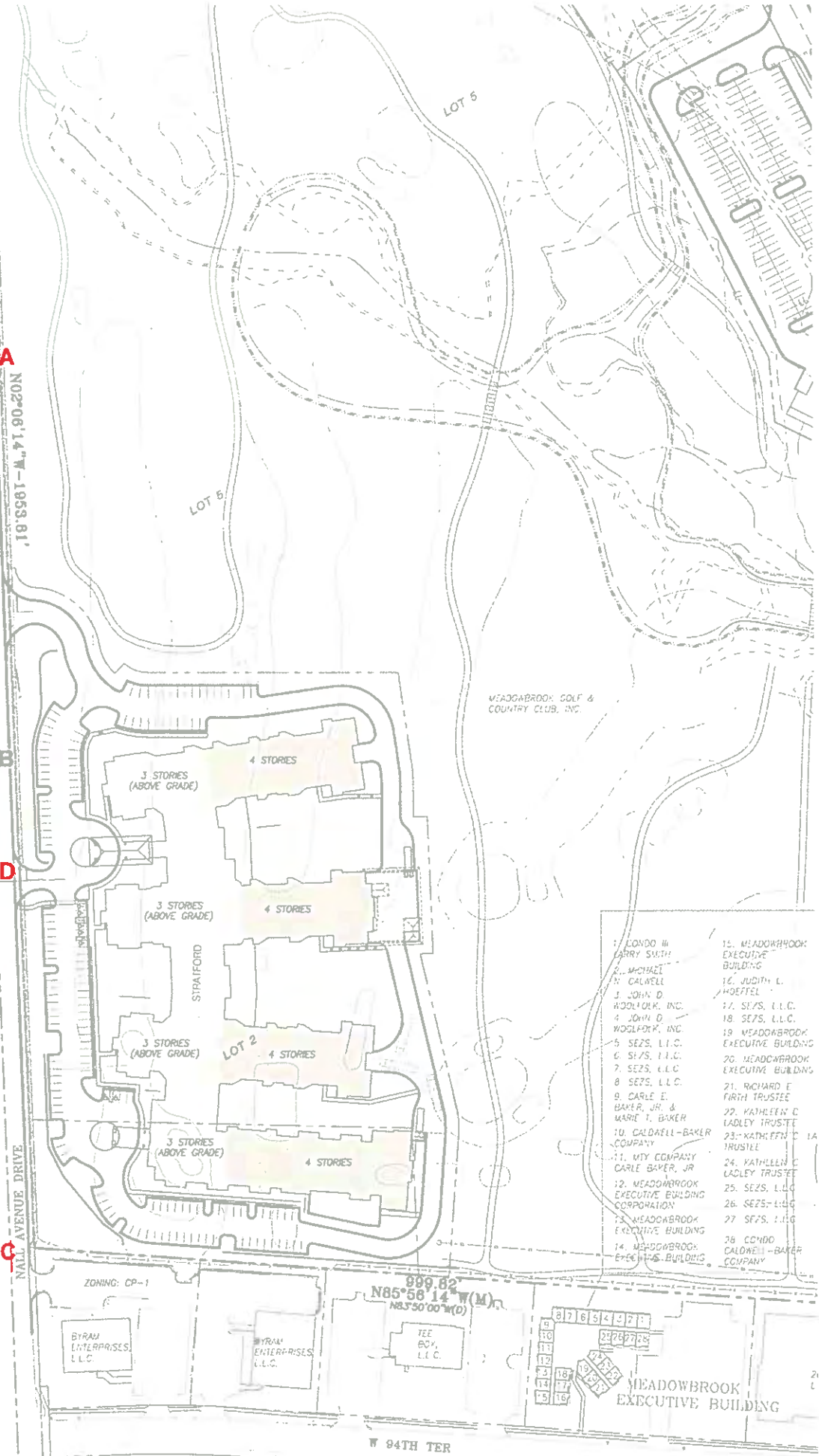


LOCATION A

LOCATION B

LOCATION D

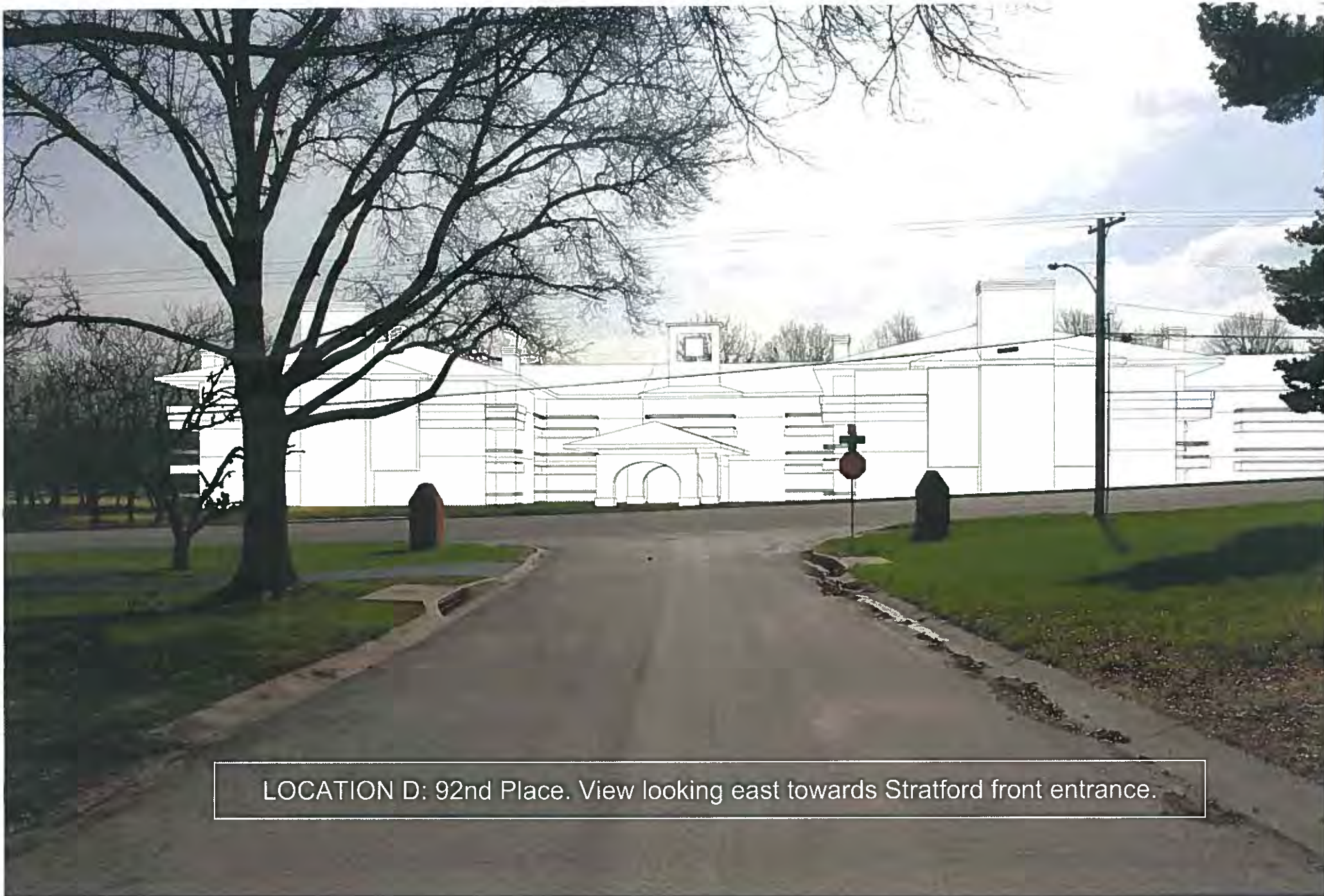
LOCATION C



- 1. LONDO W. BARRY SMITH
- 2. MICHAEL W. CALWELL
- 3. JOHN D. WOODLARK, INC.
- 4. JOHN D. WOODLARK, INC.
- 5. SEZS, L.L.C.
- 6. SEZS, L.L.C.
- 7. SEZS, L.L.C.
- 8. SEZS, L.L.C.
- 9. CARLE E. BAKER, JR. & MARIE T. BAKER COMPANY
- 10. CALDAELL-BAKER COMPANY
- 11. UTY COMPANY CARLE BAKER, JR.
- 12. MEADOWBROOK EXECUTIVE BUILDING CORPORATION
- 13. MEADOWBROOK EXECUTIVE BUILDING
- 14. MEADOWBROOK EXECUTIVE BUILDING
- 15. MEADOWBROOK EXECUTIVE BUILDING
- 16. JUDITH L. HOEFFEL
- 17. SEZS, L.L.C.
- 18. SEZS, L.L.C.
- 19. MEADOWBROOK EXECUTIVE BUILDING
- 20. MEADOWBROOK EXECUTIVE BUILDING
- 21. RICHARD E. FIRTH TRUSTEE
- 22. KATHLEEN C. LADLEY TRUSTEE
- 23. KATHLEEN C. LADLEY TRUSTEE
- 24. KATHLEEN C. LADLEY TRUSTEE
- 25. SEZS, L.L.C.
- 26. SEZS, L.L.C.
- 27. SEZS, L.L.C.
- 28. CONDO CALDWELL-BAKER COMPANY



LOCATION C: United Presbyterian Church Exit Drive. View looking northeast towards southwest corner of Stratford.



LOCATION D: 92nd Place. View looking east towards Stratford front entrance.



west elevation with landscaping



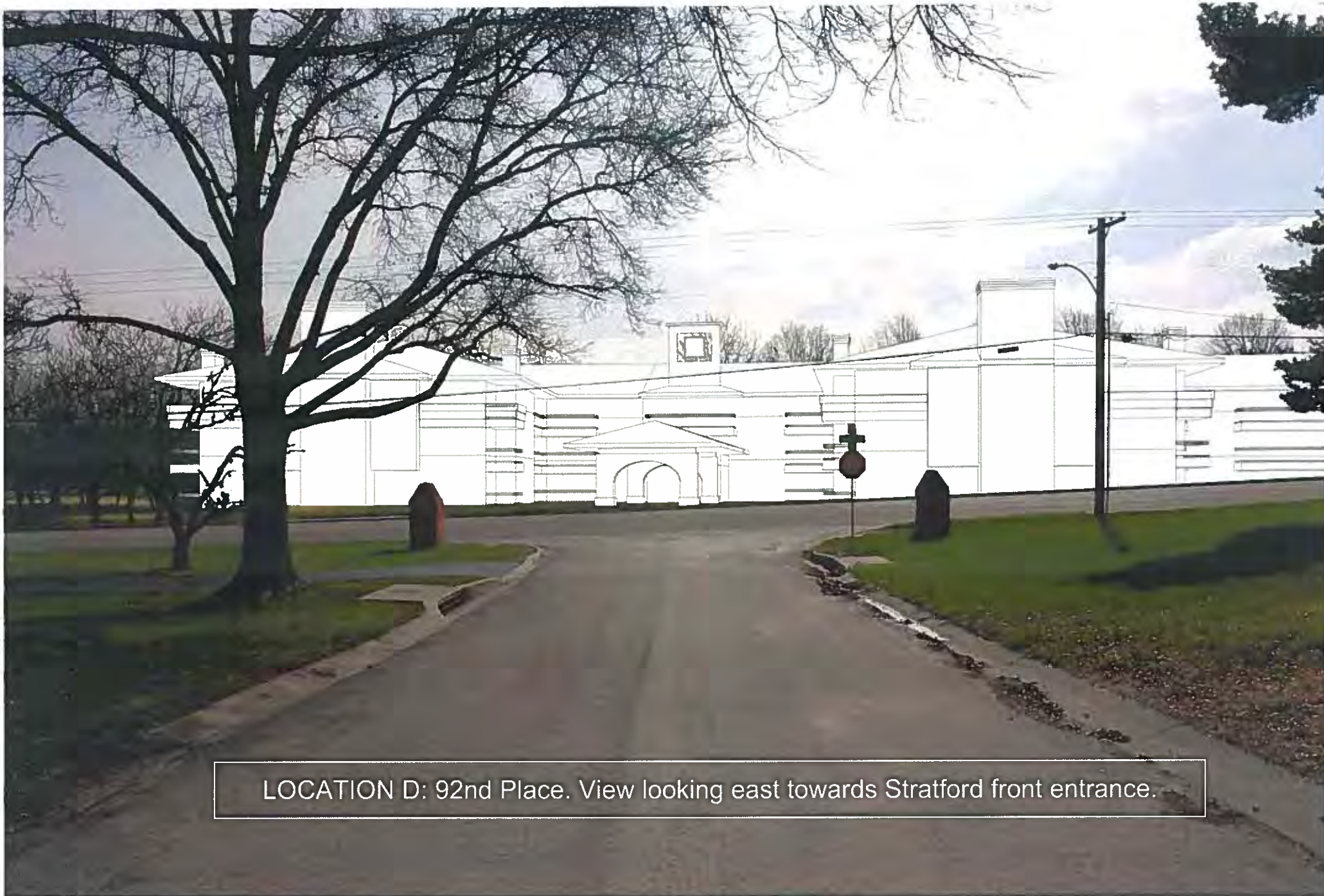
LOCATION A: View looking southeast towards northwest corner of Stratford



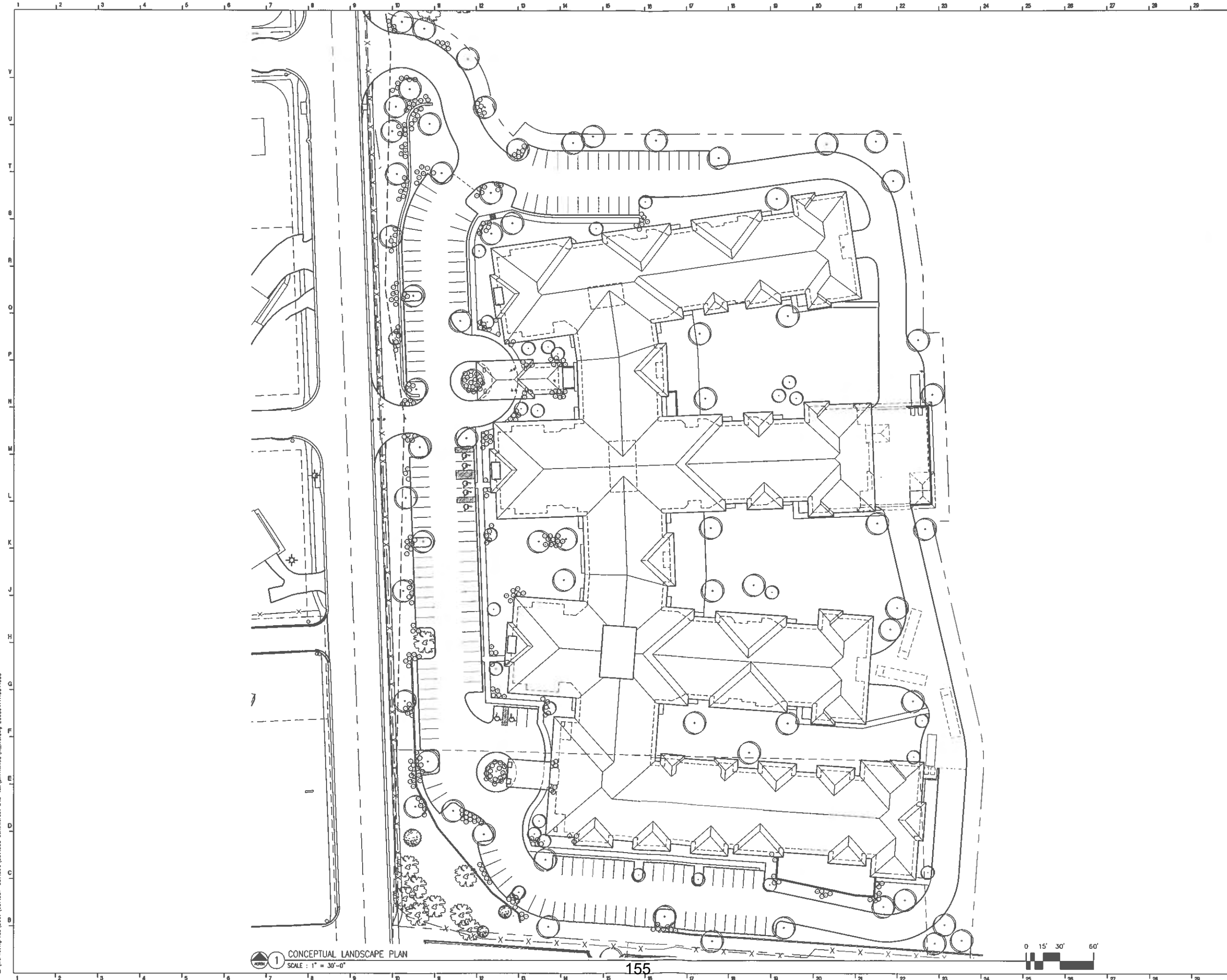
LOCATION B: View looking southeast towards front entry of Stratford.



LOCATION C: United Presbyterian Church Exit Drive. View looking northeast towards southwest corner of Stratford.



LOCATION D: 92nd Place. View looking east towards Stratford front entrance.



L:\projects\p1\p1\2007\001-607-001-607-002\summeret_end_natl\UP\AWMS\A1.0.dwg 20080417.13:1808

1 CONCEPTUAL LANDSCAPE PLAN
SCALE: 1" = 30'-0"

155



**THE STRATFORD
AT SOMERSET**

Residential and Golf Course
Mixed Use Development
9101 NALL AVE.
PRAIRIE VILLAGE, KANSAS

ISSUED FOR:

Preliminary Plan Submittal	18 April 2008



CIVIL ENGINEERING
Philip Engineering, Inc.
1710 N. Westchase
Olathe, KS 66061
913.283.1155

LANDSCAPE
Patt Banks Associates
879 Walnut, Suite 200
Kansas City, MO 64105
816.758.5600

MICROSCALE CIVIL ENGINEERING
Opus Midwest, LLC
400 Hickory Rd, Suite 300
Kansas City, MO 64116
816.462.4444

ARCHITECTURE
Lawrence Group Architects
319 N. 4th St, Suite 1000
St. Louis, MO 63107
314.231.5100

KEY PLAN

Drawn By: _____ AS
Checked By: _____ DS

**CONCEPTUAL
LANDSCAPE PLAN**

A1.0

**THE STRATFORD
AT SOMERSET**

Residential and Golf Course
Mixed Use Development
9101 NALL AVE
PRAIRIE VILLAGE, KANSAS

ISSUED FOR
Preliminary Plan Submittal 18 April 2007

**LAWRENCE
GROUP**



CHAD A. HOFFMANN
Pete Engineering, Inc.
1770 N. Woodruff
Olathe, KS 66061
913.262.1155

LANDSCAPE
Patti Banks Associates
229 Walnut, Suite 200
Kansas City, MO 64108
816.751.5880

MECHANICAL/ELECTRICAL/PLUMBING
Casper Northwest, LLC
480 Nichols Pl. Suite 200
Kansas City, MO 64116
816.462.1441

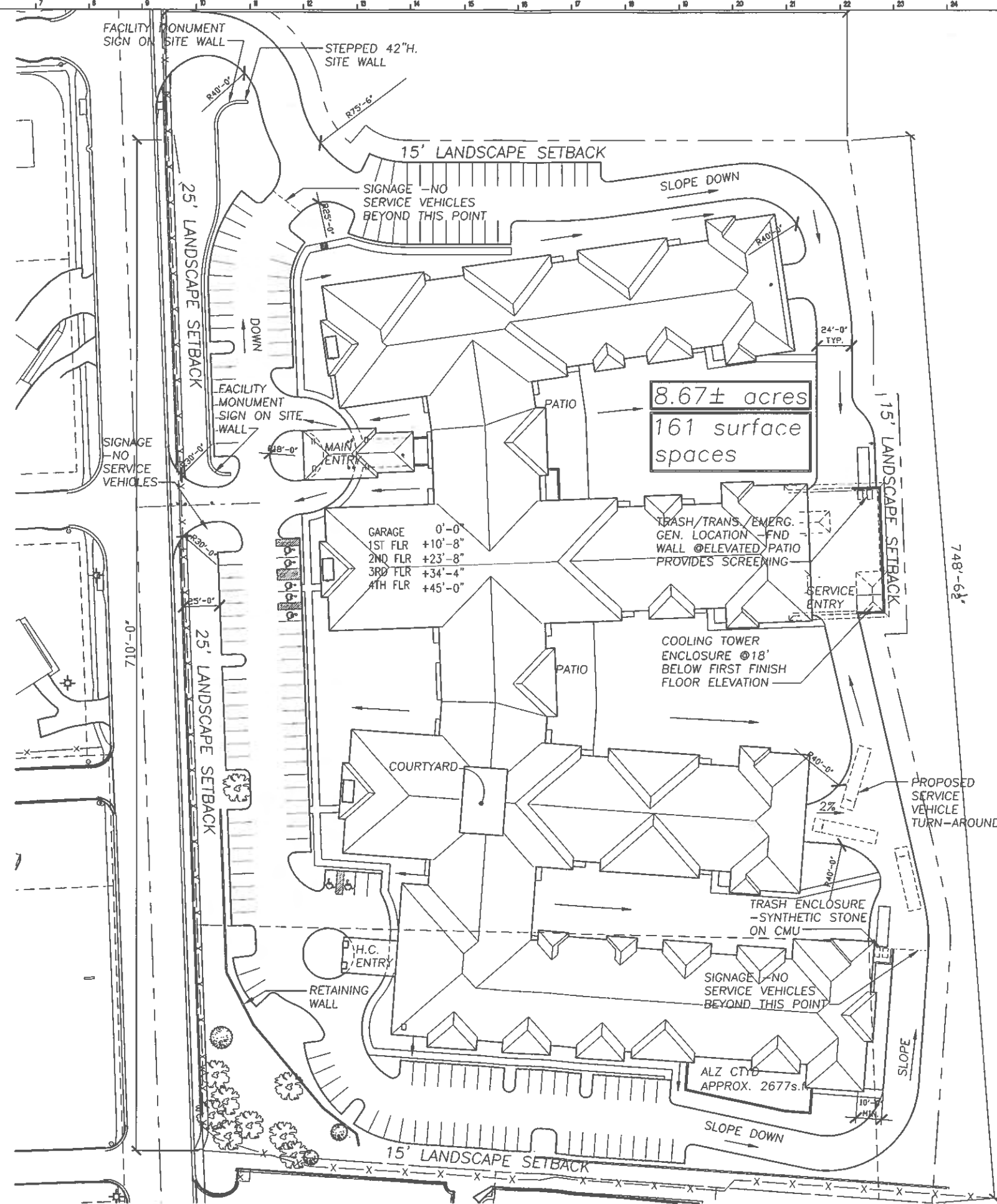
ARCHITECTURE
Lawrence Group Architects
218 N. 4th St. Suite 1000
St. Louis, MO 63107
314.251.5700

KEY PLAN

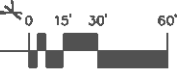
SITE PLAN

A1.1

Project Number 007.002 © copyright 2007



1 SITE PLAN
SCALE: 1" = 30'-0"



L:\Marketing\Plan\2007\007.002-607.002\007.002_somerset_and_nall\DRAWINGS\A1.1.dwg 20080418 10:44

**THE STRATFORD
AT SOMERSET**

Residential and Golf Course
Mixed Use Development
9101 NALL AVE.
PRAIRIE VILLAGE, KANSAS

ISSUED FOR:
Preliminary Plan Submittal 18 April 2008

**LAWRENCE
GROUP**



CHAD ENGLER P.E.
Phyllis Engineering, Inc.
1776 N Winchester
Oma, KS 66061
913.382.1155

LANDSCAPE
Paul Banks Associates
919 Walnut, Suite 310
Kansas City, MO 64105
816.758.2880

MECHANICAL/ELECTRICAL/PLUMBING
Opus Northwest, LLC
405 Nevada St., Suite 200
Kansas City, MO 64105
816.488.4444

ARCHITECTURE
Lawrence Group Architects
31911 Ash St. Suite 1000
St. Louis, MO 63107
314.231.5100

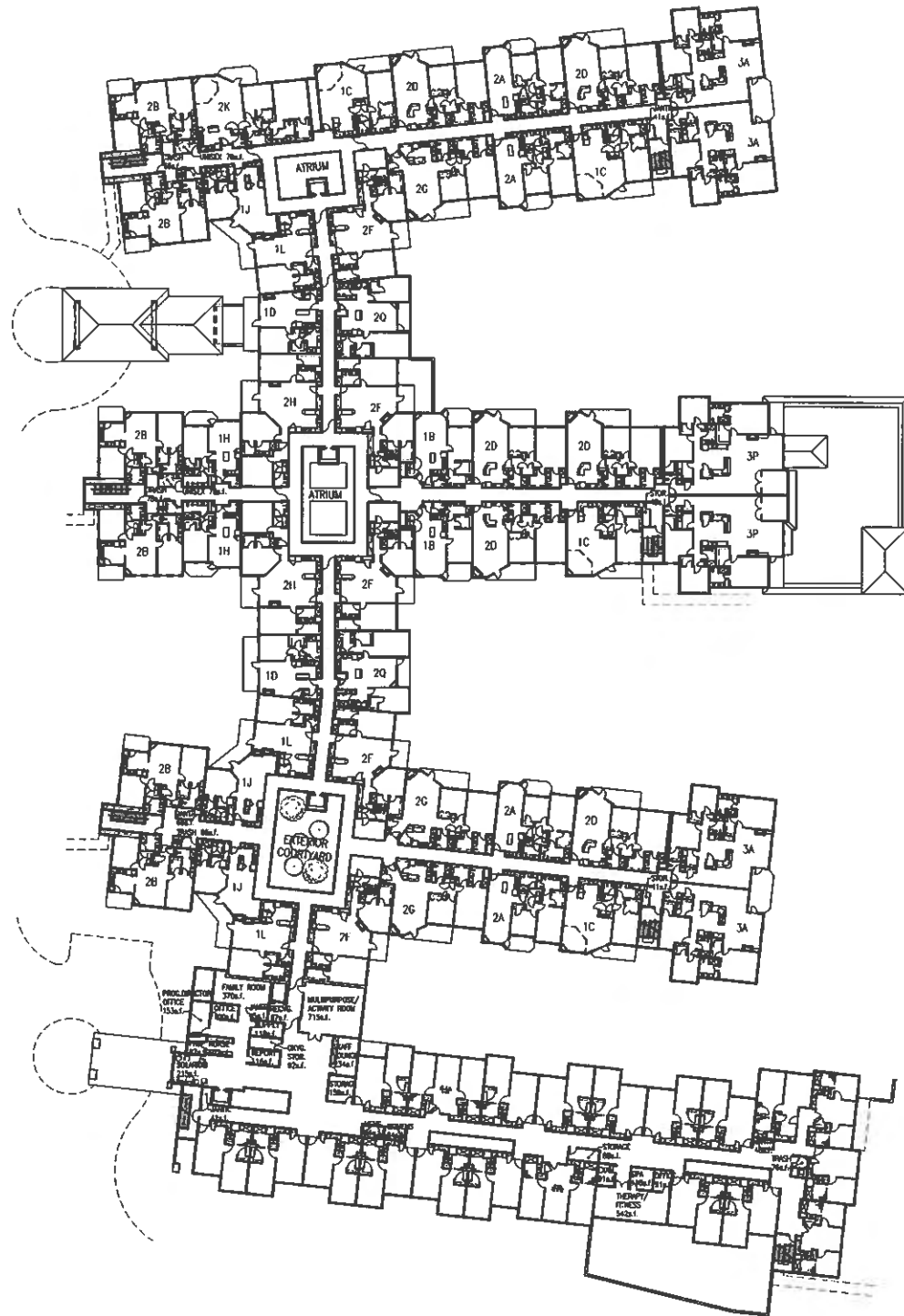
KEY PLAN

Drawn By: [Signature]
Checked By: [Signature]

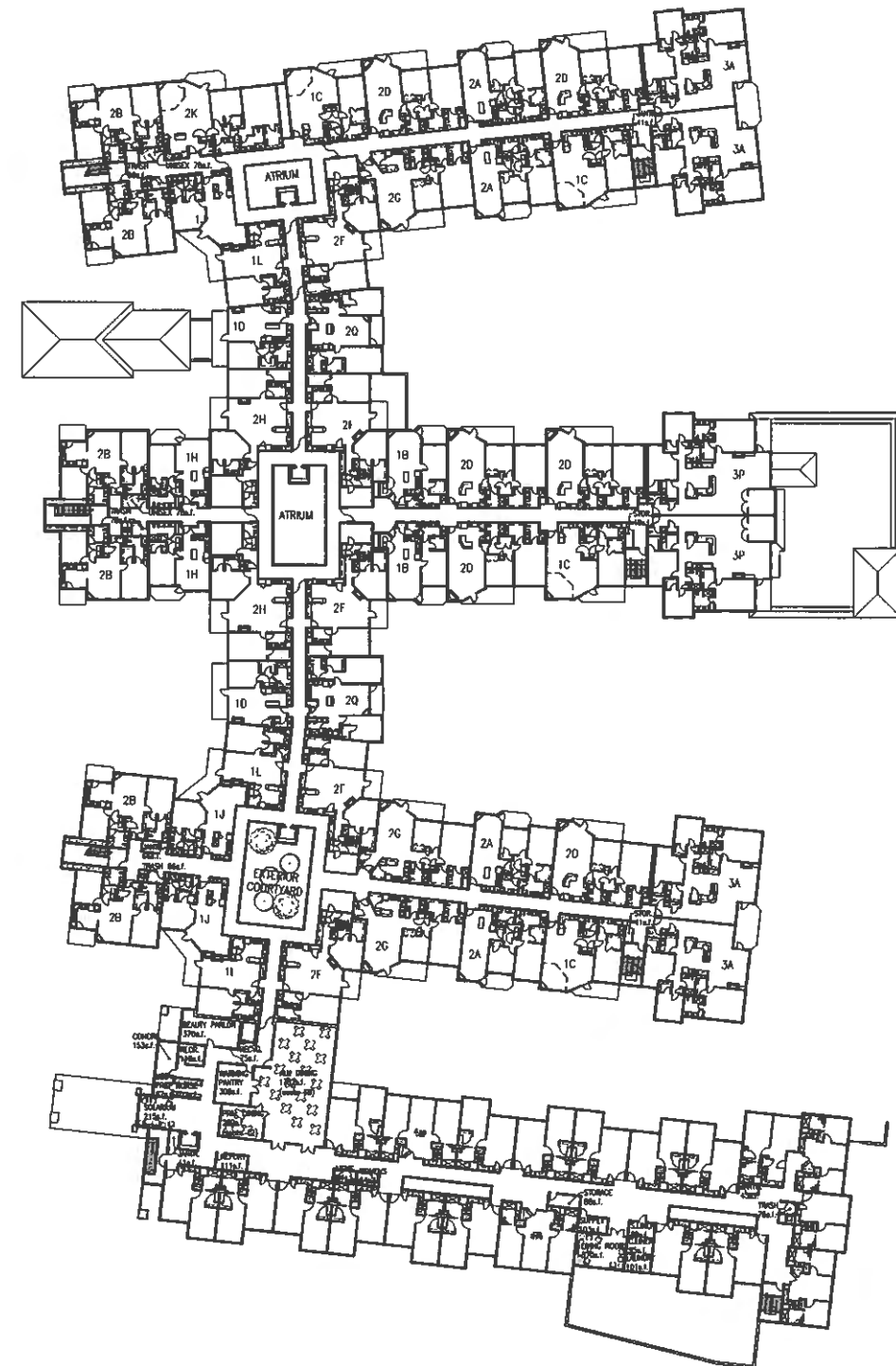
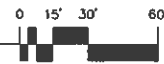
**THIRD AND FOURTH
FLOOR PLANS**

A1.3

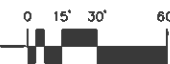
Project Number: 08 / 007 © copyright 2007



1 THIRD FLOOR PLAN
SCALE : 1" = 30'-0"



2 FOURTH FLOOR PLAN
SCALE : 1" = 30'-0"



L:\Projects\2007\08-407-099\007-002_somerset and mall\DRAWINGS\A_1.3.dwg 20080417:15172366

**THE STRATFORD
AT SOMERSET**

Residential and Golf Course
Mixed Use Development
9101 NALL AVE.
PRAIRIE VILLAGE, KANSAS

ISSUED FOR
Preliminary Plan Submittal 18 April 2008



Chris W. Oehlmann
Chris W. Oehlmann
1770 W. 10th Street
Olathe, KS 66061
913.382.4136

LANDSCAPE
Patti Banks Associates
828 Frank, Suite 201
Kansas City, MO 64105
816.758.5888

MECHANICAL/ELECTRICAL/PLUMBING
Cyma Northwest, LLC
485 Hickory Rd, Suite 200
Kansas City, MO 64110
816.488.4444

ARCHITECTURE
Lawrence Group Architects
218 N. 4th St, Suite 1000
St. Louis, MO 63102
314.231.5100

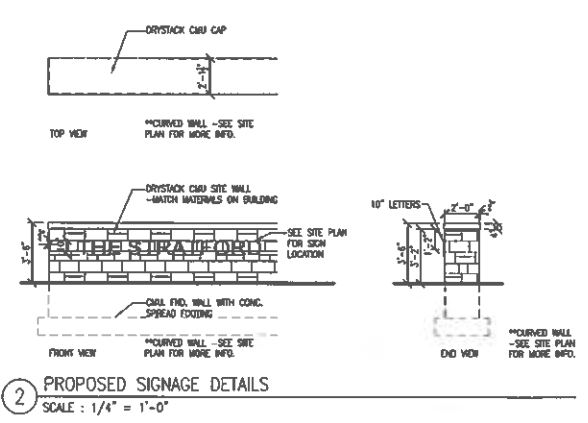
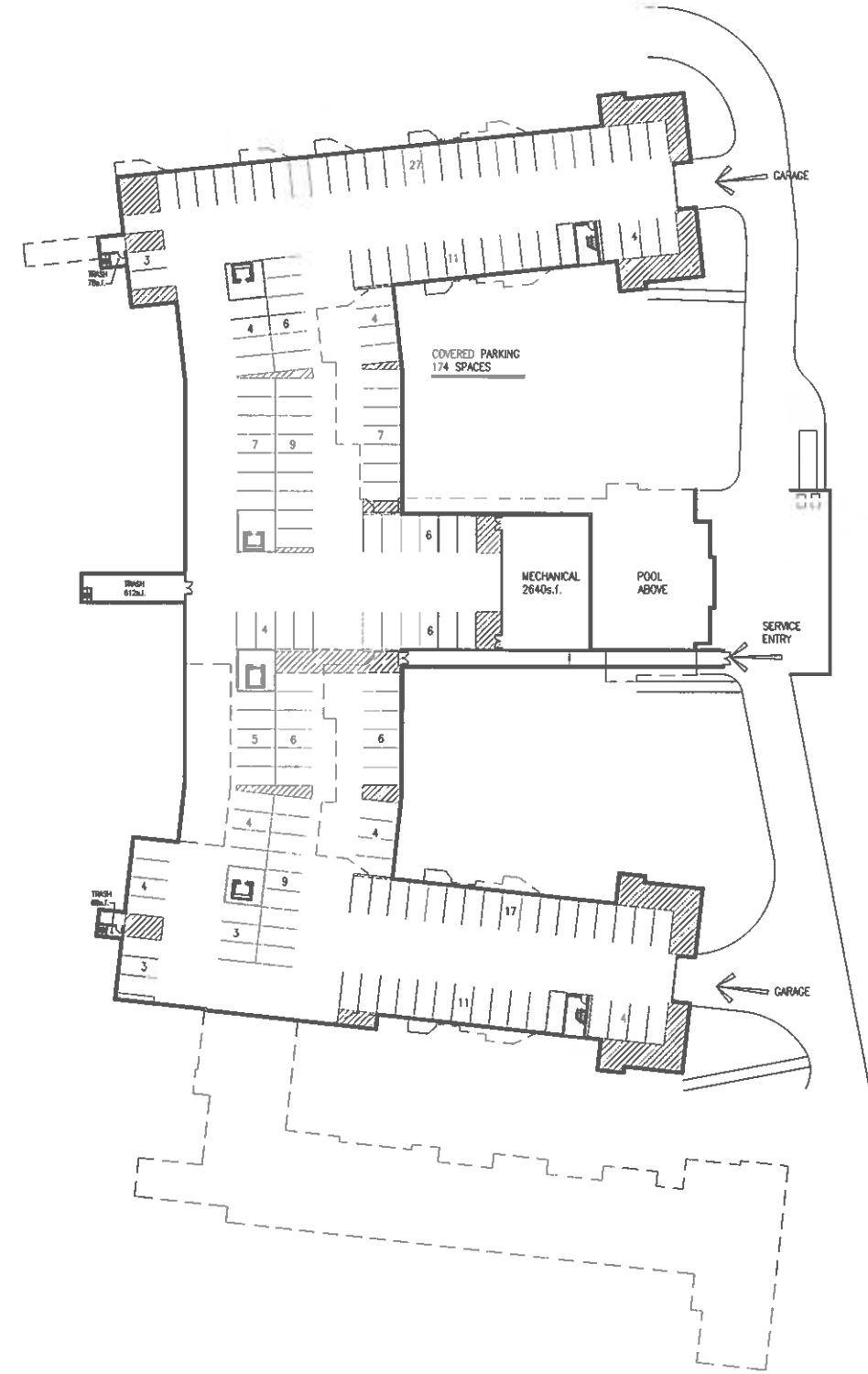
KEY PLAN

Drawn By: _____
Checked By: _____

GARAGE FLOOR PLAN

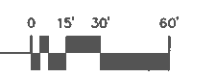
A1.4

Project Number: 607.002 © copyright 2007



2 PROPOSED SIGNAGE DETAILS
SCALE: 1/4" = 1'-0"

1 GARAGE FLOOR PLAN
SCALE: 1" = 30'-0"



L:\Marketing\Files\2007\607.001-607.002\607.002\607.002.dwg 20080418.0903.302

CITY OF PRAIRIE VILLAGE, KANSAS
REZONING APPLICATION FORM

For Office Use Only

Case No.: PC-2008-03
Filing Fee: \$60
Deposit: \$500
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: 4/1/08

APPLICANT: GASTINGER WALKER HARDEN ARCHITECTS PHONE: 816.421.8200
ADDRESS: 817 WYANDOTTE KANSAS CITY, MISSOURI ZIP: 64105
OWNER: MEADOWBROOK GOLF & COUNTRY CLUB PHONE: 913.642.4640
ADDRESS: 9101 NALL AVENUE, PRAIRIE VILLAGE, KANSAS ZIP: 66207
LOCATION OF PROPERTY: 91ST & NALL AVENUE
LEGAL DESCRIPTION: REFER TO ATTACHED SHEET

Present Zoning R-1A Requested Zoning: MXD
Present Use of Property: PRIVATE GOLF AND COUNTRY CLUB

SURROUNDING LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>RESIDENTIAL</u>	<u>R-1A</u>
South	<u>COMMERICAL</u>	<u>CP-1/CP-0</u>
East	<u>RESIDENTIAL</u>	<u>R-1A</u>
West	<u>RESIDENTIAL</u>	<u>R-1A</u>

CHARACTER OF THE NEIGHBORHOOD: "RESIDENTIAL"

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
NO - Maintaining residential character of surrounding neighborhood
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? YES
If yes, explain: Mixed use nature of development under new MXD zoning

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? YES
2. Consistent with Future Land Use Map? YES

DEVELOPMENT PLAN SUBMITTAL:

YES Development Plan

YES Preliminary Sketches of Exterior Construction

LIST OF NEIGHBORING PROPERTIES:

YES Certified list of property owners within 200 feet

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: SOMMERSET DRIVE & NALL AVENUE
2. Classification of Street(s):
 Arterial NALL Collector SOMMERSET Local N/A
3. Right-of-Way Width: 80 FEET
4. Will turning movements caused by the proposed use create an undue traffic hazard?
AS DESCRIBED WITHIN ATTACHED TRAFFIC

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? YES
2. Properly Sized Street Right-of-Way? YES
3. Drainage Easements? YES
4. Utility Easements: WILL BE PROVIDED ON FINAL PLAT PENDING FINAL DESIGN
 Electricity? _____
 Gas? _____
 Sewers? _____
 Water? _____
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENTS:

SIGNATURE: _____

DATE: _____

BY: _____

TITLE: _____

LEGAL DESCRIPTION (REZONING):

All that part of the West One-Half of Section 33, Township 12 South, Range 25 East, Johnson County, Kansas, being more particularly described as follows:

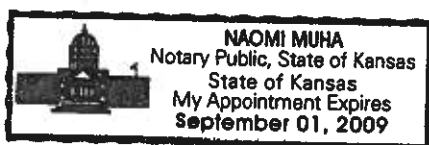
Commencing at the Northwest corner of the Southwest Quarter of said Section 33; thence N 87°37'32" E, along the North line of the Southwest Quarter of said Section 33, a distance of 30.00 feet to the point of beginning; thence continuing N 87°37'32" E, along the South line of the Northwest Quarter of said Section 33, a distance of 58.86 feet; thence N 73°10'54" E (M) (N 75°00'00" E (D)), along the South line of Somerset drive, as now established by the plat of WEST RIDING, a platted subdivision of land now in the City of Prairie Village, Johnson County, Kansas, a distance of 454.01 feet, to a point of curvature; thence Northeasterly, along the South line of said Somerset drive, said South line being on a curve to the left having a radius of 640.00 feet, a distance of 176.13 feet to the West most plat corner of WEST RIDING, 2ND PLAT, a platted subdivision of land in the City of Prairie Village, Johnson County, Kansas; thence S 13°32'29" E (M) (S 11°43'23" E (P)), along the West plat line of said WEST RIDING, 2ND PLAT, a distance of 183.42 feet to the Southwest plat corner of said WEST RIDING, 2ND PLAT, said point also being on the South line of the Northwest Quarter of said section 33; thence N 87°37'32" E (M) (N 89°26'38" E (P)), along the South plat line of said WEST RIDING, 2ND PLAT and along the South line of the Northwest Quarter of said Section 33, a distance of 19334.29 feet to the Southeast plat corner of said WEST RIDING, 2ND PLAT, said point also being the Northeast corner of the Southwest Quarter of said Section 33 and a point on the West plat line of KENILWORTH BLOCKS –1 THRU –9 & PART OF BLOCKS – 10, 11 & 21, a platted subdivision of land in the City of Prairie Village, Johnson County, Kansas; thence S 01°50'49" E, along the East line of the Southwest Quarter said Section 33, and the West plat line of KENILWORTH BLOCKS –1 THRU –9 & PART OF BLOCKS – 10, 11 & 21 and the West plat line of KENILWORTH PART OF BLOCKS –10-11-16 & 21 ALL OF BLOCKS – 12 THRU 15, a platted subdivision of land in the City of Prairie Village, Johnson County, Kansas , a distance of 2612.77 feet to a point on the North right-of-way line of 95th Street, as now established; thence S 87°40'29" W, along the North right-of-way line of 95th Street, a distance of 697.65 feet to a point on the East plat line of GREENVIEW PLACE, a platted subdivision of land in the City of Prairie Village, Johnson County, Kansas; thence N 27°45'12" W (M) (N 25°38'32" E (P)), along the East plat line of said GREENVIEW PLACE, a distance of 221.45 feet to the Northeast plat corner of said GREENVIEW PLACE; thence S 87°40'29" W (M) (S89°47'09" W (P)), along the North plat line of said GREENVIEW PLACE, a distance of 490.00 feet to the Northwest plat corner of said GREENVIEW PLACE; thence N 02°06'14" W (M) (N 00°00'00" W (D)), a distance of 189.07 feet; thence N 67°41'14" W (M) (N65°35'00" W (D)), a distance of 375.00 feet; thence N 85°56'14" W (M) (N83°50'00" W (D)), a distance of 999.82 feet to a point on the East right-of-way line of Nall Avenue, as now established; thence N 02°06'14" W, along the East right-of-way line of said Nall Avenue, a distance of 1953.81 feet to the point of beginning, containing 138.6967 acres, more or less.

AFFIDAVIT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

RICHARD L. MULLER _____, being duly sworn upon his oath, disposes and states:

That he is the (~~owner~~) (~~attorney for~~) (agent of) the tract of land for which the application was filed. That in accordance with Municipal Code 1973, Section 19.42.010 (G, H, I), applicant placed and maintained a sign, furnished by the City, on that tract of land. Said sign was a minimum of two feet above the ground line and within five feet of the street right-of-way line in a central position of the tract of land and had no visual obstruction thereto.



Richard L. Muller
(Owner/Attorney for (Agent of))

Subscribed and sworn to before me this 27 day of March, 2007

Naomi Muha
Notary Public or Planning Commission

Secretary

PROOF OF OWNERSHIP

AFFIDAVIT

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

Mike Bray, being first duly sworn upon his oath, deposes and states as follows:

- 1. I am the President of Meadowbrook Golf and Country Club, Inc.;
- 1. Meadowbrook Golf and Country Club, Inc. is the owner of the property located at 9101 Nall Avenue, Prairie Village, Kansas (the "Property");
- 3. I have authorized Opus Northwest, LLC to file applications for rezoning and preliminary development plan approval for the Property on behalf of Meadowbrook Golf and Country Club, Inc.

Michael J. Bray

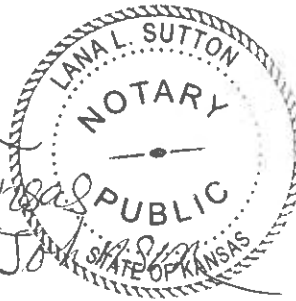
Printed Name: Mike
Bray Title: President of Meadowbrook Golf and
Country Club, Inc.

Subscribed and sworn to before me this day of 27th day of February, 2008.

Lana Sutton

Notary Public

Lana L. Sutton
State of Kansas
County of Johnson



My Appointment Expires:

3-18-2008

DATE: 21 February 2008
PROJECT: Meadowbrook Country Club
SUBJECT: Public Hearing – Application PC 2007-23
 Request for Rezoning form R-1a to MXD (Mixed Use District)--
PREPARED BY: V. Bill Lepentis, Assoc. AIA
CC: Dave Harrison, Richard Muller – OPUS
 Rich Horn, Steve Armstrong – Stratford Companies
 Dan Rosenthal – The Lawrence Group
 Judd Clausen – Phelps Engineering
 Kevin Harden – Gastinger Walker Harden Architects
 City of Prairie Village planning as directed

attending: See attached listing

The following are the notes of the public hearing conducted at Meadowbrook Country Club on 21 February. The meeting started at approximately 6:10pm and concluded at approximately 7:30pm.

Richard Muller, Director of real estate development with Opus, provided an overview of the project describing the history of the project since the original MXD rezoning submittal of 2007. Richard also introduced Judd Clausen with Phelps Engineering and Bill Lepentis representing Gastinger Walker Harden Architects. Steve Armstrong with Stratford Companies was there to present the senior living portion of the project. Richard displayed the original master plan and touched-upon the major concerns of neighbors and city officials from the original plan submittal which included (not in any particular order): traffic, height and location of buildings (specifically the Stratford), and massing. The new working plan was then presented showing the new location of the Stratford at the south west corner of the site, the new entry drive aligned between Rosewood and Birch off of Somerset which will access the club and condos only. Stratford's newest design calls for a 244 unit, three story building with an overall building height of 45 feet above the elevation of Nall Avenue. As the site falls away to the east, the building will grow to 4 stories plus an underground parking garage. Stratford now occupies approximately 8.4 acres of land area. Richard also noted that the club originally solicited proposal for this property with the main goal of saving the club. If OPUS and Stratford remove themselves from this project, in all likelihood, something else will be built where the Meadowbrook Country Club is presently. The formal presentation ended at approximately 6:30pm and the discussion was opened for an informal question and answer period.

The following are a listing of the questions from the audience:

1. What is the distance of Stratford from Nall? The distance varies as the building steps from a minimum of 100' to approximately 180' where the building offsets in plan. Note: the front entry (porte-cochere) is 180' from Nall.
2. What do you anticipate as traffic issues, specifically at the area in front of the Stratford? The traffic study currently being conducted will identify any potential issues at that particular area.



Gastinger
Walker
Harden
Architects

architecture
interior design

kansas city
chicago

- Judd explained site line guidelines as it pertains to where the entrances to the Stratford are located. One of the neighbors in attendance mentioned that reaction times might be an issue for some of the tenants leaving the area, trying to access Nall. This will be taken into consideration as it pertains to the findings of the traffic report.
3. Why don't you locate the Stratford in the middle of the site? Locating the Stratford to the center of the site would create a situation in which the individual project identities would be difficult to establish and maintain.
 4. Did you consider a turning lane parallel to Nall fronting the Stratford? Dimensions are becoming very critical, especially if it requires more area to be taken at the front of building. Specific design recommendations will be addressed in the traffic study.
 5. Did you study any potential release onto 95th street to the south? We looked at that as a preliminary study, but the idea of having a through street from 95th to Somerset would prove a potential problem for the golf course operations. The overall goal for the project team as plans have been developed is to maintain a high quality, golf course of maximum distance while absorbing a minimum of existing green space to develop the buildings.
 6. What was the original traffic impact on Somerset. How much of an increase? Approximately 2 percent increase at peak hours.
 7. Can we obtain a traffic study that goes beyond just peak hours? We can certainly request that from the traffic engineer's findings.
 8. A comment was made from one of the attending neighbors that any further data would help them better understand the concept and details of the project.
 9. What other types of visitors to the Stratford site do you anticipate? Three shifts per day, averaging 40 employees each shift. Service and trash trucks, and tenant visitors will also be included. Steve Armstrong mentioned that an average of 1 ambulance per week visit their facilities. Sometimes not necessarily emergency response, but also ambulatory service to nearby hospitals.
 10. Where is the service area located for Stratford? Behind the building on the east side. The service areas are enclosed and incorporated into the building's design. Access for service and ambulance is off of the north drive.
 11. Will the ownership of the golf club be affected? No, just the areas where we are developing the new properties.
 12. What would be the population at the Stratford on a daily basis? There will be 244 units designed. The Stratford companies uses a multiplier of 1.4 to determine visitors, daily traffic, etc. . . . That equals 342 people + and average of approximately 40 persons (staff) at each shift (day shift, swing shift, and night shift).
 13. Will there be shuttle service for tenants' of the Stratford potentially alleviating traffic into and out of area? Yes, Stratford's properties provide shuttle services for day trips and special activities.
 14. Could there be a traffic signal at one of the entrances at the Stratford? Specific design recommendations will be addressed in the traffic study.
 15. Can you show on the plan where the drive out of the club and condominiums will be aligned and how the headlights might affect our properties to the north. Its axis currently aligns between two homes to the north of Somerset. Possible techniques with landscaping or berming enabling headlights to shine down could be discussed.
 16. Could you elaborate if there will be any public financing on this project? There will not be an increase of

- taxes for the citizens of Prairie Village. Richard explained the financing structure of this project includes tax abatement for the condos and the Stratford (but not the Club) to help offset the costs to improve the existing public infrastructure. This information and data will be available to the public upon plan submittal.
17. Why not build at the southeast corner of the site? That particular location is located in the current flood stream corridor. Relocating sewer and storm infrastructure as well as the potential structural foundations for a building located there would deem the project economically unfeasible. Traffic concerns, particularly at the intersection of Roe and 95th street would make site lines difficult to solve.

Upon completion of the presentation the meeting was adjourned at approximately 7:30 with informal, small group discussions lasting until about 7:45pm.

This is our interpretation of occurrences and conversations at the meeting. Please contact me if any items appear to be in error or if you have any questions or comments.

J:\Opus\6046 Meadowbrook\Written\mtg notes public hearing_21feb08.doc

DATE: 26 February 2008
PROJECT: Meadowbrook Country Club
SUBJECT: Public Hearing – Application PC 2007-23
 Request for Rezoning form R-1a to MXD (Mixed Use District)--
PREPARED BY: Wm. Kevin Harden, AIA
CC: Dave Harrison, Richard Muller – OPUS
 Rich Horn, Steve Armstrong – Stratford Companies
 Dan Rosenthal – The Lawrence Group
 Judd Clausen – Phelps Engineering
 Bill Lepentis – Gastinger Walker Harden Architects
 City of Prairie Village planning as directed



attending: See attached listing

The following are the notes of the public hearing conducted at Meadowbrook Country Club on 26 February. The meeting started at approximately 6:05pm and concluded at approximately 8:00pm.

Richard Muller, Director of real estate development with Opus, provided an overview of the project describing the history of the project since the original MXD rezoning submittal of 2007. Richard also introduced Judd Clausen with Phelps Engineering, Kevin Harden representing Gastinger Walker Harden Architects, and Steve Armstrong with Stratford Companies, representing the CCRC (continuing care residential center) portion of the project. Richard displayed the original master plan and touched-upon the major concerns of neighbors and city officials from the original plan submittal included traffic, height and location of buildings, and massing. The new working plan was then presented showing the new location of the Stratford at the south west corner of the site with entry drives at 92nd Street and 92nd Place; and condominium and clubhouse change with the new drive aligned equidistant between Rosewood and Birch off of Somerset. It was noted that the townhomes were removed from this proposal and the condominium project has 96 units and is now five stories in height with the overall height not increasing. Stratford's details include 244 units, an overall building of 45 feet maximum (3 story visible in the west elevation fronting Nall Avenue to four stories as the building encroaches into the natural topography of the golf course). Stratford now occupies approximately 8 acres of land area. Richard also noted that the club originally solicited proposal for this property with the main goal of saving the club. The formal presentation ended at approximately 6:30pm and the discussion was opened for an informal question and answer period.

The following are a listing of the questions from the audience.

1. Where are the entrances to the Nall Building? The entrances align with 92nd Street and 92nd Place.
2. This relocation of the Stratford project will create an exponential increase in cars on Nall... it will be impossible to enter on Nall is this a right turn in and out only? Steve Armstrong

Gastinger
Walker
Harden
Architects

architecture
interior design

kansas city
chicago

- explained that the traffic study was underway. The population of the facility will be between 320 and 340 residents. It has been their history in these type of facilities that the traffic generated will not be during peak rush hour times. The employee shifts will not be changing during rush hours. The number of employees to staff the facility will be between 45-50 during the largest shift, which will be the day shift. There will be daily deliveries required for trash, food, etc. Steve also indicated that 20 – 25% of the residents have visitors on any given day. Steve indicated that when the traffic study is completed they will be completing the recommendations as provided by the traffic engineer. It was noted that the last proposal indicated that the entire development would add approximately 2% additional traffic to Sommerset Road.
3. Can you move the Stratford project to the Northeast corner of the property? It was noted that this would be a more difficult location with the facility being right in the residences back yards with limited access to Roe.
 4. Statement made with no question. Residents opposite the Stratford are very concerned about this project.
 5. Statement made with no question: 92nd Place is a two block cul-de-sac. This proposed design will be a problem for traffic and will cause problems for all residences on this street with the only entry off of Nall.
 6. I applaud the proposed design to move the Stratford to the Southwest corner of the property. How many wrecks have occurred in the front of the Forum? And would this translate to this project? The question was noted and would be given to the traffic engineer completing the study to evaluate.
 7. Having just moved to this area I am not familiar with the project. Have you done a market study to know the demand of this type project (referring to the Stratford) on this site? Steve Armstrong indicated that yes, they have done a market study and there is a very strong demand for this type product. Presently, he already has a list of 48 people that are interested and he predicted a strong presale process based on this early interest.
 8. What is the make-up of the CCRC units? Steve indicated that there are 172 independent living units and 72 units that consisted of assisted, nursing and Alzheimer care.
 9. Is there more tax revenue generated with assisted living in lieu of the project being all condos? Rich indicated that the condo market study indicated that the project was much more successful with a mix of residential living opportunities in lieu of all market rate condominiums.
 10. Statements were made without a question. The individual took the microphone and made several statements. He stated that the high rises coming into Prairie Village will drive down property values. The project will increase the tax base and it will go to the City to mismanage the funds and increase our taxes. The City is working with the business men of this development and it will not be a benefit to the citizens of the City and will not allow our taxes to go down so we should not be in favor of this proposal. You cannot beat City Hall. We need to vote in term limits for the mayor.
 11. Can the entry drive for the Stratford project be moved adjacent to the maintenance building on the South property with the entry drive placed parallel to the cart path? It was noted that all the property along the South property line was private property and there was no available land next to the maintenance building.
 12. Where are the condominiums located and what is the height? Rich pointed out the condominiums were in the middle of the site and the building was 54 feet in height. The design was only changed to increase the size of the center units to two story units in each building but this would be done within

- the previously presented heights.
13. How is the building lighted at night? Steve indicated that there will be lighting required around the parking lot area and the walkways to provide safe entry and pedestrian access to the entry doors. Steve indicated that it would be light like a residence and not have lights washing the overall building facades. Lighting would be approved by the City of Prairie Village. Steve used drawings on the screen to outline how far back the building was from the curb.
 14. Where are the entrances to the Stratford and how far is the building from Nall. The main building entrance is 180 feet from the curb of Nall for the independent living unit. The healthcare wing is located 120' from the curb of Nall and the closest building edge is 100' from Nall. It was noted that the curb to curb width was 52' along Nall.
 15. What are the parking requirements of the employees of the Stratford? If you go to the senior living center at Mission and Somerset the employees park in the library across the street and jaywalk across to work. Steve Armstrong indicated that he will have surface parking for the employees with the number to meet code and also be equal to the maximum number of employees on the largest shift. Residential parking is a ratio of one stall per unit that will all be parked below the building. The site will also be designed for visitor parking in the surface parking lot.
 16. Are the added costs for the infrastructure going to be paid by TIF abatements? Rich indicated that yes he would be pursuing tax abatements for the public infrastructure improvements of the road, sanitary sewer, and storm sewer improvements. Rich indicated that the development would not receive these tax benefits to be an added source of money for the project to benefit Stratford, Opus or the Meadowbrook Country Club.
 17. This site is one of the few green spaces in the City remaining in place. Why should the City of Prairie Village allow you to redevelop this Club? Rich stated that this was private property not the City of Prairie Village's property.
 18. Why can't we develop an entrance at the corner of 91st and Nall for the entire development? It was noted that it would be difficult to have 5 access points to this intersection and that the last proposal had the Stratford project at this corner and it was rejected.
 19. Is there a problem with having fire department access into the condominiums as one entry point off of Somerset? It was noted that the project would be reviewed by the fire department for proper turning radii but it was not seen as a problem to have access for only 96 residential units. The buildings would have a fire department access drive around all the residential buildings.
 20. Is there a front side to the Stratford project? Steve indicated that the main entry was off of Nall. The building would be designed all the way around to be nice in appearance with one side not being any better than the other. Steve indicated that surface parking would be along the north, west and south sides of the building with residential parking entries off of the east drive.
 21. Are you going to pay the residences along Nall for their loss of view? No answer given.
 22. Statement was made. If you are turning out of the Stratford project left we will have headlights shining in our windows.
 23. Statement was made. The Stratford project is at the highest point of the site and will be blocking our views of the green space and golf course.
 24. How many cars go up and down Nall? Judd stated in the last traffic study the count was at approximately 20,000 cars per day. The resident then stated why are we not talking about the increase in noise and pollution from this project? No answer given.

25. Could you tell more about the entrance off of Somerset? Rich explained that the entrance to the condominiums and club is equidistant between Rosewood and Birch. The improvements to the intersection of Nall and Somerset would be completed all the way to the entry of the Club and Condominiums.
26. Could the traffic speed and blind spot heading west be fixed on Somerset east of Birch with this development? Rich explained that this is a City of Prairie Village issue that needs to be taken up with them.
27. Statement was made: This project will decrease all the property values around this development.
28. I would like to ask if the Club cannot function economically, who is going to buy the land to keep this green space? No answer was given.
29. The last time the project was at City Hall the Club stated that it was economically having problems, does the City have first right of refusal to buy this land? Rich stated the process of submittal of the next proposed development and that there would be opportunity of the City to ask for their requirements for approval of the development and could address this issue at that time.
30. Does the tax benefit go to the Condominium portion of the project? Rich responded yes, but payment of the condominium will not realize this cost as no taxes then bumped up after ten years.
31. What is the membership count of Meadowbrook Country Club? Rich stated that it was greater than 300 active members.
32. What is the reason for selling condominiums with the golf course? Rich stated that the development is being designed to sell a lifestyle.
33. What are you doing to insure that this is always going to be a golf course? Rich stated with this development the Club will become debt free and with the number of members, proper management that will be organized under Opus' directives will insure that the golf course will remain. If there are problems of management the condominium association will have the right to place proper management in place to operate a viable Club.
34. How long is it going to take to get this project done? Rich stated that all of the project will be completed at once. With the approvals and permit in hand it will take approximately 16 months of construction to complete.
35. What are the Club membership fees for the condominium owners? Rich stated a social membership will be part of the purchase price as a condominium owner. Club memberships for golf will be available to the condominium owners at market price.
36. Where are you going to send or pay monies to the neighbors that live west of Nall during construction? No answer was given.
37. Can you explain why if this project is an economic generator why not place the project on 95th street? Rich indicated that the land in the southeast corner is in the flood plain, adjacent to existing residences and to close to the 95th and Roe intersection to have safe access to 95th due to the distance available for entrances.
38. Has anyone done a study to have the required number of members to make the Club viable? Rich stated yes and that number was 300 members provides a positive cash flow for the Club and the maximum capacity of the Club would be around 350 members.
39. Why are you submitting a 5 story condominium building now when a 4 story was proposed before? Rich indicated that this proposal lost the townhomes. To recoup some of these dollars we would like to change some of the top floor condominiums to two story units. This change has not increase the height

- from the previous submittal.
40. How will the construction impact the residences and office buildings on 94th terrace i.e. noise? The project will be a normal construction site and will require to work within the ordinances of the City of Prairie Village.
 41. Are the trees along Nall going to remain? Steve Armstrong stated that he has tried to keep as many trees as possible along Nall. He indicated that he is gone to the trouble to build retaining walls along the South property line in specific areas to keep as many existing trees as possible. Judd also noted that the golf course was laid out to keep as many of the existing golf hole corridors as possible which will preserve as many trees as possible.
 42. What part of the site is going to be rezoned? Judd stated that the entire site was going to be rezoned.
 43. Does the City have the first right of refusal of the property if the Club defaults? Rich stated that this would be part of the discussions with the City if they desired as part of the approval process.
 44. Statement was made. I think this project is very respectful and it is a great idea to bring additional development and additional living opportunities including condominium and retirement living communities for the City.
 45. What improvements are being made to Sommerset and Nall? Judd explained the improvements from the last traffic study and proposed submittal. Judd indicated that the next submittal will address the issues requested of the new traffic study. Judd explained in detail the widen corner on the Southeast corner of the intersection, the widened road, lane restriping and new sidewalk locations.
 46. Why are you now rezoning the entire property? Rich stated that the project includes condominiums, clubhouse, tennis and pool pavilions, the new golf course and Stratford project. We will be submitting a "plan" for approval. We will only be approved to build the "approved" plan submitted to the City.
 47. The City of Prairie Village has not given tax abatement for 20 years, why this project? This would be discusses as part of the development submittal package.
 48. How much wider will Sommerset become? Judd indicated the drawings show 6-8' which will be taken out of Club right of way along the south side of Sommerset.
 49. What happens if this proposal fails? Rich stated that someone else will probably develop this property due to the financial position of the current Club. A new developer would have to go through this process just like Opus is currently doing.
 50. What kind of road changes will be made along Nall? Judd stated that we will be determining that information after we receive the traffic study which is due in the next week.
 51. For those that live along the golf course what things will we see changed? The golf course will pretty much stay as it is with some rerouting of holes to work around the new development.
 52. Who is doing the traffic study? Judd stated Norm Bowers and gave some background about his credentials as a traffic engineer.
 53. Where is the clubhouse located? Rich pointed out on the plan that it was located in the center of the site along the north side of the body of water.
 54. I live in the house on the South side of Sommerset just east of the current entrance, how is this development going to affect my house? Rich described the design of the layout of the road and golf course along the west and south sides of the person's property.
 55. Are there any proposals on the agenda in March for this project? Rich indicated that no proposals will be submitted in March. Rich stated the earliest that something could be heard at the planning commission would be the first of April.

Hearing no other questions from the audience the meeting was closed at 8pm. The crowd broke up with individuals staying behind asking questions of the presenters in a one on one setting.

Upon completion of the presentation the meeting was adjourned at approximately 8:00pm with informal, small group discussions lasting until about 8:30pm.

This is our interpretation of occurrences and conversations at the meeting. Please contact me if any items appear to be in error or if you have any questions or comments.

J:\Opus\6046 Meadowbrook\Written\mtg notes public hearing_21feb08.doc



Meadowbrook Redevelopment Town Hall Meeting
February 26, 2008

Name	Phone Number	Address	City	State	Zip	Phone Number	Email Address
Carol Rosand	5500 W 92nd	P.O. Box		KS	648-4634		
SARA BERNARD	9104 DELMAR	PRAIRIEVILLE		KS	913-385-7088		sbernard@sba-law.com
Glenn & Kathy Harding	5612 W 92nd	OVERLAND PARK		KS	649-7104		glennkat1@hotmail.com
Don & Pat Orlton	4506 West 90th	P.V.		KS	642-2079		
Nancy Williston	4100 W 89	PV		KS			
DAVE NORQUIST	5501 W 92nd	TERR CP		KS	381-7935		
Ray & Lois	8135 Fall	VIP K		KS	648/456		None
Theresa Brandtz	9400 Birch			KS	913-648-4619		
Quinn Bennion				KS			qbennion@pukansas.com
Sharon Baker	4501 W 72nd	Sen PV		KS	913-831-4296		
Silvia & Bill Dethman	9058 Rosewood Dr	P.V.		KS	913-642-4853		
Brian Petermann	9235 Somerset	OP		KS	66207	381-9336	bpetermann@kc.rr.com
FRAN & CAROLE PLESSE	7938 CANTERBURY	P.V.		KS	66208	649-3506	
Steve & Gina Horner	5801 W 92nd	OPYS		KS	66207		
Chris & Jan Hoy	8998 Rosewood	PV		KS	66207	341-5667	jhoy@lockton.com
Fred & Tina Greenbaum	4861 W 90th			KS	66207	913-649-4721	gogetgreen@junio.com tgreenbaum@mplains.com
HARRY & BARBARA BEAH	9034 BIRCH ST			KS	66207		BBEDDINGFIELD@kc.rr.com



Meadowbrook Redevelopment Town Hall Meeting
February 26, 2008

Name	Address	Phone Number	Email Address
LINDA SALVAY	8826 BIRCH LANE PV KS	913-381-8377	
Bob Reese	7913 Roe Ave PU KS		
Jeanette Farlane	9220 Roe	381-2078	
Eileen Schlem	4509 W 93	648 4167	
Justin Neff	9119 Somerset Dr.	573-310-3270	
BRET ASHFORD	9216 Roe	913-481-4540	
Charles Goldsboro	5507 W. 92nd Ter.	913-642-8965	
Shelby Goldsboro	5507 W. 92nd Ter.	913-642-8965	
Jane Jacobson	4917 W 90th St PUKO	913-579-8612	
Jane & Nancy Easton	4965 Somerset PU KS	913-642-0469	
Stephane Bottiger	7243 Springfield St PV KS		
John Smith	9118 NALU	913-643-5601	
Deanna Kusala	5601 W. 92nd Place	913-642-5858	
Quinn Harris	8923 Rosewood PV	(913) 649-7144	
NICK GEROW	9000 BIRCH P.V. 66207	913-649-6545	
Ed Wolfson	4705 W. 95th St. O.P. 66207	913-384-3540	edwolfson@everest.kc.net



Meadowbrook Redevelopment Town Hall Meeting
February 26, 2008

Name	Address	Phone Number	Email/Address
1 Cordell	5500 W. 87 th Terr	649-8657	cordell@meadowbrook.com
2 Les Woller	9318 Roe Ave	913-548-3918	les@leswoller.com
3 Sylvia King	5500 W 92 nd Terr		
4 Rusty Munyon	9510 Cedar	913-341-2816	
5 Joan Nordquist	5501 W 92 Terr	913-381-7935	
6 Don Freberg	9408 Bird	913-381-0926	
7 Jim Royer	5165 SOMERSET DR	913 642 6522	jimroyer@sbcglobal.net
8 Paul McKie	8235 NALL	648-8790	
9 Alan Green	9408 Roe Ave	648-6551	
10 Carol Kelly	5516 W. 92nd SE	432-9746	
11			
12			
13 Paul Lyons	7223 Mission Rd	383-2081	
14 Paul Lyons	8828 Audley St. OPKS	649-5814	
15 Madeline McQuere	9308 Alhambra	341-4544	
16 Mark Ledow	5200 W. 94 th Terr. S. side	754-5696	
17 Lynn Green	9408 Roe Ave	648-6551	
18 Bob Deneo	9408 Roe Ave	648-6551	
19 Jeff Westra	9070 Birch	383-2244	
20 Joe Henshaw	9072 Rose Wood Dr	383-9898	



Meadowbrook Redevelopment Town Hall Meeting
February 26, 2008

Name	Address	Phone Number	Email Address
STEVE NOEL	4500 W 71 TERR PK S	913-262-1310	steve-noel@jva.com
JERRY MATHIAS	5353 Somerset Dr	913-642-4657	
CRAIG SALWAY	8826 Birch LN	913-381-8377	CRAIG@JVA.COM

OPUS NORTHWEST, L.L.C.

460 Nichols Road, Ste. 300 | Kansas City, KS 64112

Phone 816-480-4444 | Fax 816-480-4344

To: Ron Williamson
From: Richard Muller
CC: Joyce Hagen Mundy
Date: April 18, 2008
Re: Application PC 2008-03
Proposed Deed Restriction Concept

Consistent with the City of Prairie Village Planning Commission's request, Opus Northwest, L.L.C. offers the following clarification to the concept and mechanics of the proposed deed restriction to be placed upon the Meadowbrook Golf and Country Club ("MGCC") property as a condition of its redevelopment. The purpose of this deed restriction is to preserve this green space for the benefit of the residents of both the condominiums and the Stratford senior living facility.

In short, there are three key constituencies with an interest in preserving the maximum amount of green space at MGCC: the City of Prairie Village, the future owners of the proposed condominiums and the future residents of Stratford's senior living facility.

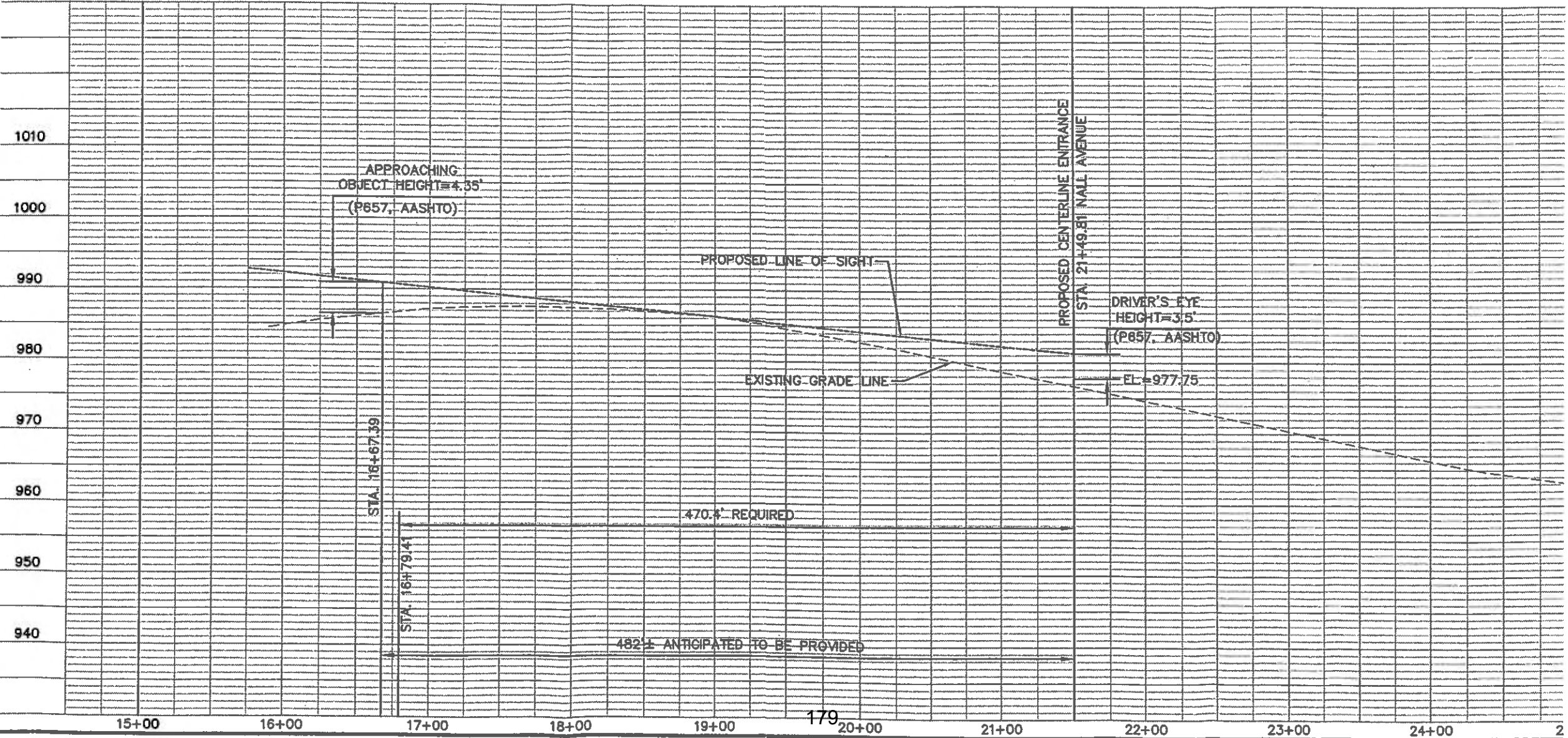
The City's interest in the green space is protected through the planning and zoning process. Should the project's current rezoning application be approved, the site will become a planned mixed use zoning district that cannot be modified without the City's approval.

We are proposing that the condominium and Stratford's residents' interest in the green space would be protected by placing private deed restriction over the entire site that would preclude any development from taking place on the site. We are in the process of negotiating and finalizing the restrictive covenant agreement with the Club, which will occur as part of the closing.

Based on our proposed structure for the restrictive covenant agreement, should the Club's circumstances change (e.g.: the Club can't survive as a private golf course), the condominium owner's association & Stratford's governing/managerial body shall have the right to assume the maintenance and operation of the property as a public, semi-private or private golf course (which would include conveyance of the MGCC property, if it was determined that such conveyance was in the best interest of all parties involved). The current structure of the restrictive covenant agreement provides that the property will remain green space (such as a private park) if operation of a golf course is not economically feasible.

As we discussed, we would consider adding a provision (if desired by the City) that if the condominium owner's association & Stratford's governing/managerial body do not wish to maintain the green space in either of these states, with a vote of their respective governing/managerial bodies, they can elect to terminate the deed restriction on all or a portion of the property, which would then permit the owner of the MGCC property to sell the unrestricted land for development pursuant to the City's planning and zoning process. This would need to be finalized in the restrictive covenant agreement with the Club.

Given the City's interest in the green space is protected under planning and zoning proceedings, the City is not anticipated to be party to this private deed restriction.



1010
1000
990
980
970
960
950
940

15+00 16+00 17+00 18+00 19+00 20+00 21+00 22+00 23+00 24+00 2

APPROACHING
OBJECT HEIGHT=4.35'
(P857, AASHTO)

PROPOSED LINE OF SIGHT

EXISTING GRADE LINE

PROPOSED CENTERLINE ENTRANCE
STA. 21+49.81 NALL AVENUE

DRIVER'S EYE
HEIGHT=3.5'
(P857, AASHTO)

FL=977.75

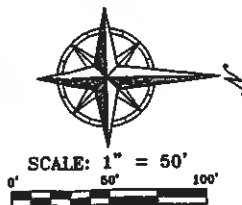
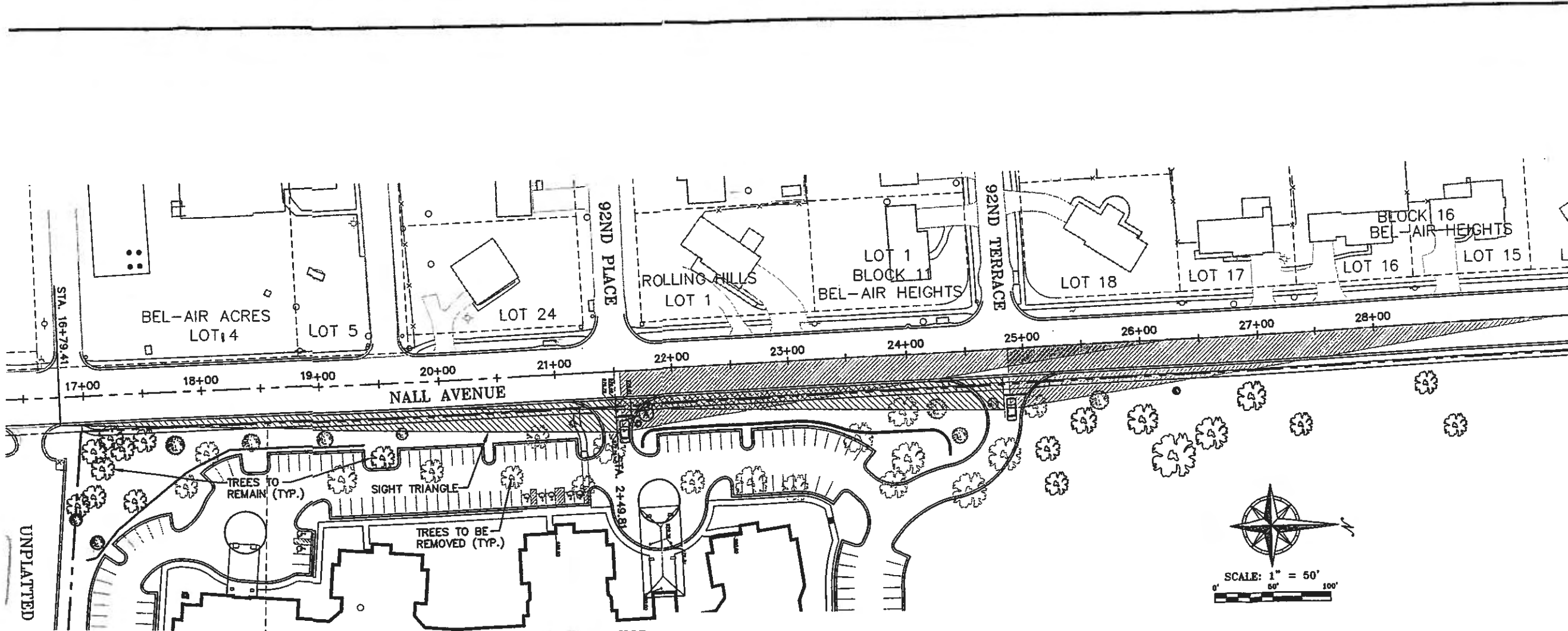
STA. 16+67.39

STA. 16+79.41

470.4' REQUIRED

482' ANTICIPATED TO BE PROVIDED

179



City Hall • 8500 Santa Fe Drive
Overland Park, Kansas 66212
www.opkansas.org

March 14, 2008

Joyce Hagen Mundy
City Clerk, City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

RE: Meadowbrook redevelopment proposal

Dear Ms. Mundy:

Thank you providing our staff with information regarding the Meadowbrook redevelopment proposal. Our staff has reviewed the proposal and would offer the following comments for your consideration:

Screening:

It appears that more parking than necessary may be provided for the independent living/assisted living facility. Reducing some parking along Nall would allow for a larger buffer area where additional evergreen and deciduous trees could be planted for screening. Attached is a table from *Parking Generation, 3rd Edition*, which provides some general guidance about parking for continuing care retirement communities. Questions regarding this issue can be directed to Leslie Karr, Manager of Current Planning, (913) 895-6196.

Drainage:

We request that stormwater detention be studied as a requirement for this development due to downstream flooding conditions. The recently completed Indian Creek Watershed Study shows that 50 or more residential structures in the channel immediately downstream from the site between 95th Street and 103rd Street are at risk of flooding during the 1% (100-year) storm event in this watershed. Questions regarding this issue can be direct to Tony Meyers, Supervisory Civil Engineer, (913) 895-6036.

Traffic:

The portion of the project that directly impacts traffic on Nall Avenue is the building at the southwest corner of the site that includes 172 independent living units and 72 assisted living units. The ITE Trip Generation Manual indicates that a facility of that type generates trips at a low rate, so we estimate that during the critical p.m. peak hour only about 70 trips will be generated by the project. The trips are expected to be approximately evenly split between inbound and outbound trips and we estimate that half of the drivers will travel to and from the north and half will arrive from and depart to the south on Nall Avenue. The bottom line is that about 18 cars will make southbound left turns from Nall Avenue into the site and the same number will turn left from the parking lot onto Nall Avenue.

Current traffic volumes on Nall Avenue are approximately 15,000 cars per day. That amount of traffic lies in the lower range of traffic volumes on four lane thoroughfares. Considering that traffic signals exist south of the site at 95th Street and to the north at 91st Street, substantial gaps in traffic occur in that area to allow drivers to complete their left-turn movements. Therefore, we do not anticipate significant issues with drivers making left-turn movement because of the traffic volumes on Nall Avenue.

The only traffic issue that the staff can identify is the intersection sight distance that will result if the proposed plan is developed. The current site plans show two driveways connecting to Nall Avenue, opposite 92nd Terrace and 92nd Place. The sight distance at the 92nd Terrace location is substantial. The staff's concern is with the sight distance at 92nd Place. After field checking the available sight distance at the proposed driveway opposite 92nd Place, that location would allow for only about 380-foot of sight distance for drivers attempting to see traffic coming from the south. The crest of a large hill near the south end of the site is the reason for the limited sight distance. On a street with a 35 mph speed limit (as is the case for Nall Avenue), national standards call for cars turning left out of the site to have at least 475 feet of sight distance. If a driveway were to be constructed opposite 92nd Place, drivers would have difficulty making left turns into and out of the site. Keeping in mind that many of the drivers would be elderly, we strongly recommend that substantially more than the minimum sight distance be required.

An alternative to constructing the southern driveway opposite 92nd Place is to use the northernmost driveway opposite 92nd Terrace as the access to the site and to build an emergency-access-only driveway somewhere else along the Nall Avenue frontage in case the main driveway were to be blocked.

One other site design element needs to be considered. The existing split rail fence along the golf course frontage on Nall Avenue would block the visibility of oncoming traffic for drivers exiting from the site driveway. We recommend that the fence either be removed or relocated farther away from Nall Avenue in a position that would not

obstruct sight distance. Questions about this issue can be directed to Mark Stuecheli, Senior Transportation Planner, (913) 895-6026.

I understand that these comments are advisory, however; these issues have the potential to impact residents within The City of Overland Park. Your thoughtful consideration is appreciated.



Leslie Karr
Manager, Current Planning

attachment

cc: Bill Ebel
John Nachbar
Councilmember Paul Lyons
Councilmember Kurt Skoog
Peggy Sneegas
Tony Meyers
Mark Stuecheli

Land Use: 255

Continuing Care Retirement Community (CCRC)

Land Use Description

Continuing care retirement communities (CCRC) are land uses that provide multiple elements of senior adult living. CCRCs combine aspects of independent living with increased care, as lifestyle needs change with time. Housing options may include various combinations of senior adult (detached), senior adult (attached), congregate care, assisted living and skilled nursing care—aimed at allowing the resident to live in one community as their medical needs change. The communities may also contain special services such as medical, dining, recreational and some limited, supporting retail facilities. CCRCs are usually self-contained villages. Senior adult housing—attached (Land Use 252), congregate care facility (Land Use 253), assisted living (Land Use 254) and nursing home (Land Use 620) are related uses.

Database Description

The database consisted of three study sites. Two study sites provided data for a weekday and one study site provided data for a Sunday.

One site with 178 dwelling units had a peak parking demand ratio of 0.49 vehicles per dwelling unit between 5:00 and 6:00 p.m. on a Friday.

The site with 247 dwelling units had a parking supply ratio of 1.3 spaces per dwelling unit. It had a Friday peak parking demand of 0.83 parked vehicles per dwelling unit. Data from this site included continuous parking demand data collected between 9:00 a.m. and 6:00 p.m. The observed peak hour was between 11:00 a.m. and 12:00 p.m. The following table presents the time-of-day distribution of parking demand.

Based on Vehicles per Dwelling Unit	Weekday	
	Percent of Peak Period	Number of Data Points*
12:00–4:00 a.m.	–	0
5:00 a.m.	–	0
6:00 a.m.	–	0
7:00 a.m.	–	0
8:00 a.m.	–	0
9:00 a.m.	97	1
10:00 a.m.	97	1
11:00 a.m.	100	1
12:00 p.m.	90	1
1:00 p.m.	92	1
2:00 p.m.	92	1
3:00 p.m.	90	1
4:00 p.m.	92	1
5:00 p.m.	97	1
6:00 p.m.	–	0
7:00 p.m.	–	0
8:00 p.m.	–	0
9:00 p.m.	–	0
10:00 p.m.	–	0
11:00 p.m.	–	0

*Subset of database

January 8, 2008

Attention: City of Prairie Village, Kansas Planning Commission

RE: Opus Development Proposal for Meadowbrook Golf Course

We do appreciate the delicate and sometimes complex decision process our public representatives have to deal with. We also believe the Planning Commission and the Prairie Village government as a whole is interested in the well being of our community.

The Opus Development Team is now proposing to place the Stratford assisted living "complex" to the south west corner of the golf course.

I and my company have maintained office space at 5350 W. 94th Terrace for 15 years and now, as the Owners of 5300 W. 94th Terrace, look forward to many more years as a productive tax payer to the Prairie Village community.

It is difficult to understand all the economic factors that enter into your decisions. Hopefully Prairie Village and its planners look far into the future and try to envision the best outcome for its citizens.

It is my understanding that Meadowbrook Country Club is a "private" asset and therefore you may not have substantial control over its destiny other than reviewing various "Real Estate" proposals designed to "maximize" the economic returns of Club owners and/or hopefully excellent developers.

Everyone agrees that keeping the "park like" environment is vital. Great communities have parks and green space that are much loved and appreciated. Even though few people step into this park (golf course) many more drive by daily and find it a very real asset to the community.

We hope that the Planning Commission will help all parties achieve the best solutions, not just the best compromises.

We also hope that the driving forces of "economic viability" that may rule the ultimate outcome, are truly seen in the context of a long term vision.

Attention: City of Prairie Village, Kansas Planning Commission
January 8, 2008
Page Two of Three

Please review and scrutinize the “reasoning” for so many units in the “Stratford Project”.

We hope that you can “influence” an alternative or modified blending of condos versus assisted living units.

The “footprint” for the Stratford Project is breathtakingly large.

If you have not done so, I must insist that you “walk” the sidewalk on Nall and “walk” the fairway to the east of the proposed huge “footprint”.

Our office building is in many ways a home to me and my staff. We spend much of our waking hours looking out at the green space and feel blessed for it. Our potential tenants on the second floor are considering leasing the space with the understanding that they too are going to have this view. Interestingly we have only windows facing north, overlooking the golf course. You can understand our particular concern and fears.

As a significant taxpayer to Prairie Village, my wife and I hope you will be sensitive to all concerned.

Now that the north neighborhoods are celebrating their victory over the Stratford Project NOT being placed at Somerset and Nall, there may be less pressure on you and the Prairie Village governments to be critical and careful.

We will not join the “NIMBY” crowd, but we hope you remain true to a quality long range vision.

Finally, our architecture practice is focused exclusively on residential housing - primarily single family.

For over 25 years we have dealt with issues of scale and livability.

Attention: City of Prairie Village, Kansas Planning Commission
January 8, 2008
Page Three of Three

Please look long and hard at the assisted living project. There should be excellent solutions available to insure a beautiful "street scape" and be respectful of the golf club needs not to mention the affected office buildings located along 94th Terrace.

We have not been asked to consult with the developer team.

However, I will offer at no charge to the City of Prairie Village any reasonable assistance you may need.

We have access to thousands of images that may help communicate desired aesthetics and/or simply bring a consultant perspective to the Planning Commission. We wish to invite you to our building at 5300 W. 94th Terrace to understand our perspective.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wolfgang Trost', with a long, sweeping horizontal stroke extending to the right.

Wolfgang Trost, AIA
Wolfgang Trost Architects, LLC

Joyce Hagen Mundy

From: Susan Trost [susan@wolfgangtrost.com]
Sent: Friday, March 28, 2008 4:06 PM
To: Joyce Hagen Mundy
Subject: Attention: Prairie Village Planning Commission Members re Meadowbrook Golf Club and Development

TO:

Mr. Kenneth Vaughn
Mr. Marc Russell
Ms. Marlene Nagel
Mr. Randy Kronblad
Mr. Robert McKim, Jr.
Mr. Bob Lindeblad
Ms. Nancy Vennard
Ms. Pat Daniels

RE:

The Meadowbrook Golf Course and Development

What is the long term "master plan" vision for the Prairie Village Community?

The answer to this question has probably changed over time. It is therefore fair to ask the Planning Department and the City Council to clarify and communicate this vision for the City of Prairie Village as the Meadowbrook Development ideas are being considered.

Most individual Citizen/Home Owners/Families wish for a stable, healthy and safe community. Many Prairie Village neighborhoods are evolving with repairs, remodeling, and additions. In some areas there are tear downs resulting in new updated housing. The increasing awareness of architectural integrity has fostered a more vigilant review process intended to maintain the character and quality of our communities.

Prairie Village is landlocked. Keeping pace with increasing cost of public services causes gradual and acceptable increases in taxes and fees. The "encouragement" for repairing and improving existing housing stock should be a priority for city leaders. The Meadowbrook Golf Course is one Prairie Village amenity that can contribute positively towards resident's confidence with investing towards higher property values.

What is the long term vision for the Meadowbrook Golf Club?
How does the vision affect future generations?

The Planning Department is aware of the importance of open green space. Various sizes of parks and/or green belt areas are recommended by Planners throughout America and the world for sustaining healthy community environments. Prairie Village is lacking the recommended per capita green/park space that is now generally recommended by Planners.

With this in mind, we ask that our Representatives consider carefully the opportunity that lies before them - the opportunity to invest for Prairie Village residents of the distant future.

We ask the Council to consider the following ideas:

A. The City of Prairie Village should explore purchasing the so called "Deal Making" Stratford land component of 8+/- acres for a new park. Opus and the Golf Club can proceed with their plans of a new centrally located club facility along with new quality condo units. The vacated northeast corner can become the ideal park location.

This Private and Civic Partnership will save the desired green

space, and give Prairie Village a foothold to secure the destiny of this valuable asset into the distant future.

B. Is there any process that would allow Prairie Village and Overland Park to come together and "share" in the vision for this proposed park? This park option can also benefit the future of neighborhoods on the west side (Overland Park) of Nall Avenue.

Additionally, is there a good understanding by the Prairie Village City Council and Planners for how rare and important the "view" into this private park (golf course) really is to all the residents of Prairie Village, Overland Park and others who drive by this wonderful green space?

Most residents may not be able to step into this beautiful park/golf course, however, they do appreciate this amenity as a community asset. The most spectacular vantage point for this appreciation (the new Stratford project location) may be destroyed for all future generations. The "open window" to this green space is an asset that is a powerful symbol and welcoming doorway to the City of Prairie Village.

Prairie Village residents deserve to know in clear language how and who benefits from the decisions that are being made.

Can investing in a park be considered? Let's consider other creative ideas being discussed by interested Prairie Village residents and surrounding Home Owners.

Can the residents of Prairie Village and Overland Park participate in this decision?

What would it take to afford the park?... To approve funding?

Once again, we are asking the City Council of Prairie Village to share a clear understanding of the decision making process for the Meadowbrook Golf Club. It would be helpful if the following questions and comments are being considered by all.

-Is Prairie Village "desperate" for more tax revenue? If the answer is "Yes", how does this influence the long term "master plan" vision?

-Will anticipated upgrades and improvements of our current housing stock cover our future community expenses?

-Is the Meadowbrook Golf course really doomed and why?

-Is it clear to everyone that all the very best management efforts have been attempted to secure a healthy Golf Club?

-Who are the individual Owners of the club that have the most equity? Are their goals and/or financial interests compatible with the long term vision for Prairie Village?

-Are the repairs of the "downhill" infrastructure (sewers, storm drainage, etc.) needed and required by Opus to make the development possible?

-Who pays and what are the benefits for the residents and the City of Prairie Village, not just Opus, Stratford and the Meadowbrook Golf Club?

-What exactly are the financial dynamics of the Stratford Project to the "deal"?

-Is the "Stratford" infusion of 3 or 4 Million Dollars for the land acquisition of 8+/- acres necessary to make the Opus deal practical and/or profitable?

-The City Council should explain the "cash flow" benefits of the Opus and Stratford Project to Prairie Village in terms of % of total Prairie Village tax revenue?

How does this affect the other options being considered?

It is hoped that with the answers to these and other questions the residents of Prairie Village may be able to understand and agree with the City Council decisions.

Sincerely,

Wolfgang Trost, AIA

Wolfgang Trost Architects, LLC
5300 W. 94th Terrace, Suite #100
Prairie Village, Kansas 66207

Tee Box, LLC (Property Owner)
5300 W. 94th Terrace
Prairie Village, Kansas 66207

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.519 / Virus Database: 269.22.1/1347 - Release Date: 3/27/2008

7:15 PM

Joyce Hagen Mundy

From: Susanfe@aol.com
Sent: Wednesday, May 28, 2008 3:14 PM
To: Joyce Hagen Mundy
Subject: Meeting re: Meadowbrook property

We, Morris and Ruth Feinberg of 4701 W. 88 St., are both older and disabled and cannot attend the 6/2 meeting. We do, however, want to register our disapproval of the proposed project for the Meadowbrook property. We had previously sent emails and still do not want this project to be approved. We have lived at this address since October, 1980. If there is some way to register our vote of disapproval, please do so. Thank you very much.

Ruth Feinberg
4701 W. 88 St.
PVK
913-649-3363

susanfe@aol.com

Get trade secrets for amazing burgers. Watch "Cooking with Tyler Florence" on AOL Food.



MEMO

To: Mayor and City Council
City of Prairie Village, Kansas

From: Catherine P. Logan

Date: May 28, 2008

Subject: **Protest Petition relating to:
Meadowbrook Rezoning Application PC 2008-03
Request for Rezoning from R-1a (Single Family Residential District) to
MXD (Mixed Use District) at 91st and Nall Avenue on the
Meadowbrook Country Club Property**

Both the City Code (Section 19.52.045) and Kansas Statutes (K.S.A. 12-757) provide a means for owners of property located within 200 feet of property being rezoned (the so called "buffer zone") to be notified of the proposed rezoning. The code and statutes also provide that if the owners of record of 20% or more of the total real property within the buffer zone file a protest petition with the City Clerk within 14 days after the conclusion of the planning commission hearing, any ordinance approving the rezoning must be approved by at least a 3/4 vote of the required members of the governing body.

I have reviewed a Protest Petition which was delivered to the City Clerk on May 20, 2008. I have also verified online with the Johnson County Register of Deeds the ownership of the protest petition parcels 1 through 39 listed in a separate spreadsheet prepared by City staff and referred to as "Protest Petition List of Parcels." Pursuant to the AIMS mapping furnished by the City Staff, I concur that the parcels listed in the Protests Petition List of Parcels are fully or partially located within the 200 foot buffer area. The Protest Petition is valid if properly signed by the owners of record of 20% or more of the property within the buffer area.

I am rejecting the signatures on the following 3 parcels for the following reasons:

Parcel 1. Justin Neff is the only signature. However, the deed to this parcel is in the name of Justin Neff and Jennifer L. Neff, husband and wife. It appears from a later filing of a mortgage release that Mr. and Mrs. Neff may have divorced, but there is nothing in the register of deeds records to indicate that Jennifer L. Neff has released her interest in the property or is deceased.

Parcel 22. Robert R. Shaw is the only signature. It appears from a recital in a subsequent Transfer on Death Deed, that Robert R. Shaw is now a widower, but there is nothing of record to confirm this. The original deed includes his spouse, Shirley. Because there is nothing of record to confirm her death or release of any

interest in the property if not deceased, I must reject the signature for this parcel by Robert R. Shaw only.

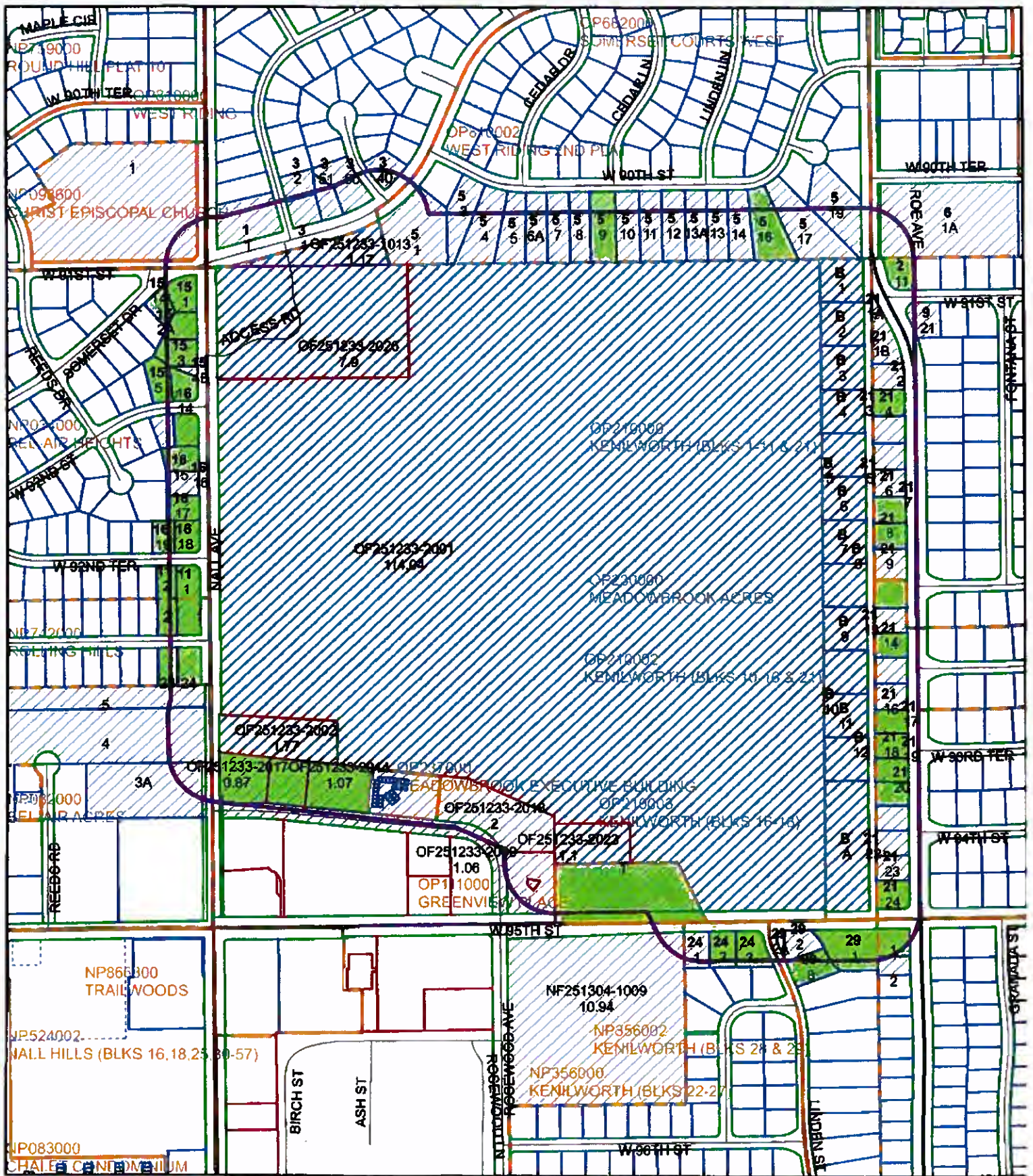
Parcel 28. The petition is signed by "Chin Thi Le" and "Hang Dang Ngoc." The deed is to "Dang Ngoc Hang," "Le Thi Chin" and "Dang Ngoc Anh." Accordingly, even assuming the signers are the same as the first two names on the deed, the signature of "Dang Ngoc Anh" is missing. There is nothing in the register of deeds records to indicate that the latter person is deceased or released his or her interest in the property.

Please note that without these three parcels, the owners of record of 39.85% of the property in the buffer area have signed petitions.

Please also note that although I have not separately verified the authority of members or managers of the two LLC owners (parcels 5, 15 and 16) to sign the petition (by review of Articles of Organization or Operating Agreements of these entities, although I have verified the good standing of these entities), or the authority of trustees of trust owners (parcels 11, 12, 20, 35, and 39) to sign the petition (by review of the applicable Trust Agreement), even without those parcels, the owners of record of 27.36% of the property in the buffer area have signed petitions.

Based upon the foregoing, it is my opinion that the Protest Petition is valid.

cc: Ron Williamson
Quinn Bennion
Dennis Enslinger



Custom Buffer



MAP/DATA DISCLAIMER: It is understood that, while the AIMS participating agencies and information suppliers have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, AIMS AND ITS SUPPLIER MAKE NO REPRESENTATIONS OF ANY KIND, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE, NOR ARE ANY SUCH WARRANTIES TO BE IMPLIED WITH RESPECT TO THE INFORMATION, DATA OR SERVICE FURNISHED HEREIN
 Product of the Department of Records and Tax Administration

1 inch equals 500 feet

200 foot buffer (186.33 acres)
 Buffer search returned 165 properties

No.	Property ID	Area (R2)	Acres	Situs Address	Owner Address	City, State Zip	Billing Address	Billing City, State Zip	Area In Buffer (R2)	Acres In Buffer	% of Parcel	% of Buffer
1	NF251304-1009	476.262	10.94	5101 W 95TH ST	0 NS NT	OVERLAND PARK, KS 00000	7235 ANTOCH RD	OVERLAND PARK, KS 66204	7.052	0.16	1.50%	0.10%
2	NF74200000 0024	13.966	0.32	5501 W 92ND PL	5501 W 92ND PL	OVERLAND PARK, KS 66207		OVERLAND PARK, KS 66207	13.966	0.32	100.00%	0.20%
3	OF251233-1013	50.956	1.17	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	50.956	1.17	100.00%	0.60%
4	OF251233-2001	4,967.502	114.04	9101 NALL AVE	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	4,967.502	114.04	100.00%	61.20%
5	OF251233-2002	76.893	1.77	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	76.893	1.77	100.00%	0.90%
6	OF251233-2009	45.986	1.06	5100 W 95TH ST APT 200	5100 W 95TH ST APT 200	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	38.811	0.89	84.40%	0.50%
7	OF251233-2010	1.365	0.03	5100 W 95TH ST	0 NS NT	PRAIRIE VILLAGE, KS 00000	8600 SHAWNEE MISSION PKWY APT 100	MERRIAM, KS 66202	1.365	0.03	100.00%	0.00%
8	OF251233-2014	46.813	1.07	5300 W 94TH TER	5300 W 94TH TER APT 100	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	46.813	1.07	100.00%	0.60%
9	OF251233-2017	37.866	0.87	9401 NALL AVE	15625 W 87TH ST	LENEXA, KS 66219		PRAIRIE VILLAGE, KS 66207	37.771	0.87	99.70%	0.50%
10	OF251233-2018	86.966	2	5200 W 94TH TER	0 NS NT	PRAIRIE VILLAGE, KS 00000	5200 W 94TH TER APT 206	PRAIRIE VILLAGE, KS 66207	86.762	1.99	99.70%	1.10%
11	OF251233-2020	28.683	0.66	5350 W 94TH TER	15625 W 87TH ST	LENEXA, KS 66219		PRAIRIE VILLAGE, KS 66207	28.683	0.66	100.00%	0.40%
12	OF251233-2023	47.826	1.1	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	47.826	1.1	100.00%	0.60%
13	OF251233-2026	344.255	7.9	9101 NALL AVE	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	344.255	7.9	100.00%	4.20%
14	OP11100000 0001	107.582	2.47	5000 W 95TH ST	5000 W 95TH ST	PRAIRIE VILLAGE, KS 66207	3401 COLLEGE BLVD APT 250	LEAWOOD, KS 66211	107.582	2.47	100.00%	1.30%
15	OP21000002 0011	14.433	0.33	4512 W 91ST ST	4512 W 91ST ST	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13.547	0.31	93.90%	0.20%
16	OP21000009 0021	16.644	0.38	4509 W 91ST ST	4509 W 91ST ST	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	2,123	0.05	12.80%	0.00%
17	OP21000021 0001A	2,071	0.05	0 NS NT	222 W GREGORY BLVD APT 201	KANSAS CITY, MO 64114		PRAIRIE VILLAGE, KS 66207	2,071	0.05	100.00%	0.00%
18	OP21000021 0001B	18,648	0.43	9100 ROE AVE	9100 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	18,648	0.43	100.00%	0.20%
19	OP21000021 0002	13,543	0.31	9104 ROE AVE	9104 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,543	0.31	100.00%	0.20%
20	OP21000021 0003	13,672	0.31	9108 ROE AVE	9108 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,672	0.31	100.00%	0.20%
21	OP21000021 0004	14,328	0.33	9112 ROE AVE	9112 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	14,328	0.33	100.00%	0.20%
22	OP21000021 0005	13,679	0.31	9116 ROE AVE	9116 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,679	0.31	100.00%	0.20%
23	OP21000021 0006	14,336	0.33	9120 ROE AVE	9120 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	14,336	0.33	100.00%	0.20%
24	OP21000021 0007	13,688	0.31	9200 ROE AVE	9200 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,688	0.31	100.00%	0.20%
25	OP21000021 0008	13,692	0.31	9204 ROE AVE	9204 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,692	0.31	100.00%	0.20%
26	OP21000021 0009	16,307	0.37	9208 ROE AVE	9208 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	16,307	0.37	100.00%	0.20%
27	OP21000021 0012	14,679	0.34	9212 ROE AVE	9212 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	14,679	0.34	100.00%	0.20%
28	OP21000021 0013	13,053	0.3	9216 ROE AVE	9216 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,053	0.3	100.00%	0.20%
29	OP21000021 0014	13,058	0.3	9220 ROE AVE	9220 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,058	0.3	100.00%	0.20%
30	OP21000021 0015	13,647	0.31	9300 ROE AVE	9300 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,647	0.31	100.00%	0.20%
31	OP21000021 0016	13,716	0.31	9302 ROE AVE	9302 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,716	0.31	100.00%	0.20%
32	OP21000021 0017	12,545	0.29	9306 ROE AVE	9306 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	12,545	0.29	100.00%	0.20%
33	OP21000021 0018	13,070	0.3	9310 ROE AVE	9310 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,070	0.3	100.00%	0.20%
34	OP21000021 0019	12,420	0.29	9314 ROE AVE	9314 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	12,420	0.29	100.00%	0.20%
35	OP21000021 0020	12,425	0.29	9318 ROE AVE	9318 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	12,425	0.29	100.00%	0.20%
36	OP21000021 0021	13,079	0.3	9322 ROE AVE	9322 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,079	0.3	100.00%	0.20%
37	OP21000021 0022	13,085	0.3	9400 ROE AVE	9400 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,085	0.3	100.00%	0.20%
38	OP21000021 0023	13,089	0.3	9404 ROE AVE	9404 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	13,089	0.3	100.00%	0.20%
39	OP21000021 0024	14,842	0.34	9408 ROE AVE	9408 ROE AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	14,842	0.34	100.00%	0.20%
40	OP23000008 0001	30,605	0.7	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	30,401	0.7	100.00%	0.40%
41	OP23000008 0002	30,605	0.7	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	30,605	0.7	100.00%	0.40%
42	OP23000008 0003	30,605	0.7	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	30,605	0.7	100.00%	0.40%
43	OP23000008 0004	30,604	0.7	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	30,604	0.7	100.00%	0.40%
44	OP23000008 0005	30,605	0.7	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	30,605	0.7	100.00%	0.40%
45	OP23000008 0006	30,604	0.7	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	30,604	0.7	100.00%	0.40%
46	OP23000008 0007	30,605	0.7	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	30,605	0.7	100.00%	0.40%
47	OP23000008 0008	30,605	0.7	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	30,605	0.7	100.00%	0.40%
48	OP23000008 0009	30,605	0.7	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	30,605	0.7	100.00%	0.40%
49	OP23000008 000A	91,689	2.1	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	91,689	2.1	100.00%	1.10%
50	OP23000008 0010	30,605	0.7	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	30,605	0.7	100.00%	0.40%
51	OP23000008 0011	30,605	0.7	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	30,605	0.7	100.00%	0.40%
52	OP23000008 0012	30,604	0.7	0 NS NT	9101 NALL AVE	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	30,604	0.7	100.00%	0.40%
53	OP23700000 OU101	282	0.01	5250 W 94TH TER APT 101	5250 W 94TH TER APT 101	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	282	0.01	100.00%	0.00%
54	OZ23700000 LAND	41,445	0.95	5250 W 94TH TER APT 101	5250 W 94TH TER APT 101	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	41,445	0.95	100.00%	0.50%
55	OP23700000 OU102	264	0.01	5250 W 94TH TER APT 102	5250 W 94TH TER APT 101	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	264	0.01	100.00%	0.00%
56	OZ23700000 LAND	41,445	0.95	5250 W 94TH TER APT 102	5250 W 94TH TER APT 101	PRAIRIE VILLAGE, KS 66207		PRAIRIE VILLAGE, KS 66207	41,445	0.95	100.00%	0.50%
57	OP23700000 OU103	261	0.01	5250 W 94TH TER APT 103	12995 N ORACLE RD #141,326	ORO VALLEY, AZ 85739		PRAIRIE VILLAGE, KS 66207	261	0.01	100.00%	0.00%
58	OZ23700000 LAND	41,445	0.95	5250 W 94TH TER APT 103	12995 N ORACLE RD #141,326	ORO VALLEY, AZ 85739		PRAIRIE VILLAGE, KS 66207	41,445	0.95	100.00%	0.50%
59	OP23700000 OU104	262	0.01	5250 W 94TH TER APT 104	11535 HADLEY ST	OVERLAND PARK, KS 66210		PRAIRIE VILLAGE, KS 66207	262	0.01	100.00%	0.00%
60	OZ23700000 LAND	41,445	0.95	5250 W 94TH TER APT 104	11535 HADLEY ST	OVERLAND PARK, KS 66210		PRAIRIE VILLAGE, KS 66207	41,445	0.95	100.00%	0.50%
61	OP23700000 OU105	265	0.01	5250 W 94TH TER APT 105	11535 HADLEY ST	OVERLAND PARK, KS 66210		PRAIRIE VILLAGE, KS 66207	265	0.01	100.00%	0.00%
62	OZ23700000 LAND	41,445	0.95	5250 W 94TH TER APT 105	11535 HADLEY ST	OVERLAND PARK, KS 66210		PRAIRIE VILLAGE, KS 66207	41,445	0.95	100.00%	0.50%
63	OP23700000 OU106	285	0.01	5250 W 94TH TER APT 106	11535 HADLEY ST	OVERLAND PARK, KS 66210		PRAIRIE VILLAGE, KS 66207	285	0.01	100.00%	0.00%
64	OZ23700000 LAND	41,445	0.95	5250 W 94TH TER APT 106	11535 HADLEY ST	OVERLAND PARK, KS 66210		PRAIRIE VILLAGE, KS 66207	41,445	0.95	100.00%	0.50%
65	OP23700000 OU107	265	0.01	5250 W 94TH TER APT 107	8223 W 99TH ST	OVERLAND PARK, KS 66212		PRAIRIE VILLAGE, KS 66207	265	0.01	100.00%	0.00%
66	OZ23700000 LAND	41,445	0.95	5250 W 94TH TER APT 107	8223 W 99TH ST	OVERLAND PARK, KS 66212		PRAIRIE VILLAGE, KS 66207	41,445	0.95	100.00%	0.50%
67	OP23700000 OU108	265	0.01	5250 W 94TH TER APT 108	8223 W 99TH TER	OVERLAND PARK, KS 66212		PRAIRIE VILLAGE, KS 66207	265	0.01	100.00%	0.00%
68	OZ23700000 LAND	41,445	0.95	5250 W 94TH TER APT 108	8223 W 99TH TER	OVERLAND PARK, KS 66212		PRAIRIE VILLAGE, KS 66207	41,445	0.95	100.00%	0.50%
69	OP23700000 OU109	265	0.01	5250 W 94TH TER APT 109	8223 W 99TH ST	OVERLAND PARK, KS 66212		PRAIRIE VILLAGE, KS 66207	265	0.01	100.00%	0.00%
70	OZ23700000 LAND	41,445	0.95	5250 W 94TH TER APT 109	8223 W 99TH ST	OVERLAND PARK, KS 66212		PRAIRIE VILLAGE, KS 66207	41,445	0.95	1	

No. Property ID	Area (R2)	Acres	Situs Address	Owner Address	City, State Zip	Billing Address	Billing City, State Zip	Area In Buffer (R2)	Acres In Buffer	% of Parcel	% of Buffer
75	OP23700000	DU112	275	0.01 5250 W 94TH TER APT 112	5610 W 61ST TER	MISSION, KS 66203		275	0.01	100.00%	0.00%
76	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 112	5610 W 61ST TER	MISSION, KS 66203		41.445	0.95	100.00%	0.50%
77	OP23700000	DU113	275	0.01 5250 W 94TH TER APT 113	12800 W 76TH TER	SHAWNEE, KS 66216		275	0.01	100.00%	0.00%
78	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 113	12800 W 76TH TER	SHAWNEE, KS 66216		41.445	0.95	100.00%	0.50%
79	OP23700000	DU114	275	0.01 5250 W 94TH TER APT 114	12800 W 76TH TER	SHAWNEE, KS 66216		275	0.01	100.00%	0.00%
80	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 114	12800 W 76TH TER	SHAWNEE, KS 66216		41.445	0.95	100.00%	0.50%
81	OP23700000	DU115	275	0.01 5250 W 94TH TER APT 115	8223 W 99TH ST	OVERLAND PARK, KS 66212		275	0.01	100.00%	0.00%
82	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 115	8223 W 99TH ST	OVERLAND PARK, KS 66212		41.445	0.95	100.00%	0.50%
83	OP23700000	DU116	275	0.01 5250 W 94TH TER APT 116	8223 W 99TH ST	OVERLAND PARK, KS 66212		275	0.01	100.00%	0.00%
84	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 116	8223 W 99TH ST	OVERLAND PARK, KS 66212		41.445	0.95	100.00%	0.50%
85	OP23700000	DU117	275	0.01 5250 W 94TH TER APT 117	8223 W 99TH ST	OVERLAND PARK, KS 66212		275	0.01	100.00%	0.00%
86	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 117	8223 W 99TH ST	OVERLAND PARK, KS 66212		41.445	0.95	100.00%	0.50%
87	OP23700000	DU118	271	0.01 5250 W 94TH TER APT 118	8223 W 99TH ST	OVERLAND PARK, KS 66212		271	0.01	100.00%	0.00%
88	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 118	8223 W 99TH ST	OVERLAND PARK, KS 66212		41.445	0.95	100.00%	0.50%
89	OP23700000	DU119	261	0.01 5250 W 94TH TER APT 119	18050 NALL AVE	STILWELL, KS 66085		261	0.01	100.00%	0.00%
90	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 119	18050 NALL AVE	STILWELL, KS 66085		41.445	0.95	100.00%	0.50%
91	OP23700000	DU120	264	0.01 5250 W 94TH TER APT 120	PO BOX 226	GARDNER, KS 66030-0226		264	0.01	100.00%	0.00%
92	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 120	PO BOX 226	GARDNER, KS 66030-0226		41.445	0.95	100.00%	0.50%
93	OP23700000	DU121	265	0.01 5250 W 94TH TER APT 121	0 NS NT	PRAIRIE VILLAGE, KS 00000	PO BOX 226	265	0.01	100.00%	0.00%
94	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 121	0 NS NT	PRAIRIE VILLAGE, KS 00000	PO BOX 226	41.445	0.95	100.00%	0.50%
95	OP23700000	DU122	265	0.01 5250 W 94TH TER APT 122	5250 W 94TH TER APT 101	PRAIRIE VILLAGE, KS 66207		265	0.01	100.00%	0.00%
96	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 122	5250 W 94TH TER APT 101	PRAIRIE VILLAGE, KS 66207		41.445	0.95	100.00%	0.50%
97	OP23700000	DU123	265	0.01 5250 W 94TH TER APT 123	5250 W 94TH TER APT 101	PRAIRIE VILLAGE, KS 66207		265	0.01	100.00%	0.00%
98	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 123	5250 W 94TH TER APT 101	PRAIRIE VILLAGE, KS 66207		41.445	0.95	100.00%	0.50%
99	OP23700000	DU124	264	0.01 5250 W 94TH TER APT 124	5250 W 94TH TER APT 101	PRAIRIE VILLAGE, KS 66207		264	0.01	100.00%	0.00%
100	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 124	5250 W 94TH TER APT 101	PRAIRIE VILLAGE, KS 66207		41.445	0.95	100.00%	0.50%
101	OP23700000	DU125	273	0.01 5250 W 94TH TER APT 125	5250 W 94TH TER APT 101	PRAIRIE VILLAGE, KS 66207		273	0.01	100.00%	0.00%
102	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 125	5250 W 94TH TER APT 101	PRAIRIE VILLAGE, KS 66207		41.445	0.95	100.00%	0.50%
103	OP23700000	DU126	261	0.01 5250 W 94TH TER APT 126	PO BOX 7808	OVERLAND PARK, KS 66207		261	0.01	100.00%	0.00%
104	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 126	PO BOX 7808	OVERLAND PARK, KS 66207		41.445	0.95	100.00%	0.50%
105	OP23700000	DU127	265	0.01 5250 W 94TH TER APT 127	8223 W 99TH ST	OVERLAND PARK, KS 66212		265	0.01	100.00%	0.00%
106	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 127	8223 W 99TH ST	OVERLAND PARK, KS 66212		41.445	0.95	100.00%	0.50%
107	OP23700000	DU128	265	0.01 5250 W 94TH TER APT 128	8223 W 99TH ST	OVERLAND PARK, KS 66212		265	0.01	100.00%	0.00%
108	OZ23700000	LAND	41.445	0.95 5250 W 94TH TER APT 128	8223 W 99TH ST	OVERLAND PARK, KS 66212		41.445	0.95	100.00%	0.50%
109	OP67000000	DU01A	163,766	3.76 0 NS NT	0 NS NT	PRAIRIE VILLAGE, KS 00000	PO BOX 418679	17,519	0.4	10.70%	0.20%
110	OP81000001	DU001	41,549	0.95 9084 ROSEWOOD DR	9084 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207		30,888	0.71	74.30%	0.40%
111	OP81000003	DU001	13,256	0.3 9065 ROSEWOOD DR	9065 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207		13,256	0.3	100.00%	0.20%
112	OP81000003	DU002	12,858	0.3 9057 ROSEWOOD DR	9057 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207		1,174	0.03	9.10%	0.00%
113	OP81000003	DU040	14,573	0.33 9083 BIRCH ST	9083 BIRCH ST	PRAIRIE VILLAGE, KS 66207		5,288	0.12	36.30%	0.10%
114	OP81000003	DU049	12,242	0.28 9058 BIRCH ST	9058 BIRCH ST	PRAIRIE VILLAGE, KS 66207		171	0	1.40%	0.00%
115	OP81000003	DU050	14,224	0.33 9070 BIRCH ST	9070 BIRCH ST	PRAIRIE VILLAGE, KS 66207		14,038	0.32	98.70%	0.20%
116	OP81000003	DU051	12,637	0.29 5430 SOMERSET DR	8712 W 151ST ST	OVERLAND PARK, KS 66223		10,082	0.23	79.80%	0.10%
117	OP81000005	DU001	64,485	1.48 5353 SOMERSET DR	5353 SOMERSET DR	PRAIRIE VILLAGE, KS 66207		59,120	1.36	91.70%	0.70%
118	OP81000005	DU003	29,103	0.67 4941 W 90TH ST	4941 W 90TH ST	PRAIRIE VILLAGE, KS 66207		13,610	0.31	46.80%	0.20%
119	OP81000005	DU004	38,550	0.88 4935 W 90TH ST	4935 W 90TH ST	PRAIRIE VILLAGE, KS 66207		27,809	0.64	72.10%	0.30%
120	OP81000005	DU005	27,988	0.64 4929 W 90TH ST	4929 W 90TH ST	PRAIRIE VILLAGE, KS 66207		21,349	0.49	76.30%	0.30%
121	OP81000005	DU006A	23,913	0.55 4923 W 90TH ST	4823 W 90TH ST	PRAIRIE VILLAGE, KS 66207		17,268	0.4	72.20%	0.20%
122	OP81000005	DU007	25,248	0.58 4917 W 90TH ST	4917 W 90TH ST	PRAIRIE VILLAGE, KS 66207		18,000	0.41	71.30%	0.20%
123	OP81000005	DU008	23,001	0.53 4911 W 90TH ST	4911 W 90TH ST	PRAIRIE VILLAGE, KS 66207		16,398	0.38	71.30%	0.20%
124	OP81000005	DU009	28,899	0.66 4905 W 90TH ST	4905 W 90TH ST	PRAIRIE VILLAGE, KS 66207		20,602	0.47	71.30%	0.30%
125	OP81000005	DU010	26,652	0.61 4869 W 90TH ST	4869 W 90TH ST	PRAIRIE VILLAGE, KS 66207		19,999	0.44	71.30%	0.20%
126	OP81000005	DU011	25,251	0.58 4865 W 90TH ST	4865 W 90TH ST	PRAIRIE VILLAGE, KS 66207		18,000	0.41	71.30%	0.20%
127	OP81000005	DU012	26,654	0.61 4861 W 90TH ST	4861 W 90TH ST	PRAIRIE VILLAGE, KS 66207		19,000	0.44	71.30%	0.20%
128	OP81000005	DU013A	23,848	0.55 4853 W 90TH ST	4853 W 90TH ST	PRAIRIE VILLAGE, KS 66207		16,999	0.39	71.30%	0.20%
129	OP81000005	DU013A	24,549	0.56 4857 W 90TH ST	4857 W 90TH ST	PRAIRIE VILLAGE, KS 66207		17,499	0.4	71.30%	0.20%
130	OP81000005	DU014	25,463	0.58 4849 W 90TH ST	4849 W 90TH ST	PRAIRIE VILLAGE, KS 66207		18,731	0.43	73.60%	0.20%
131	OP81000005	DU016	35,948	0.83 4845 W 90TH ST	4845 W 90TH ST	PRAIRIE VILLAGE, KS 66207		28,240	0.65	78.60%	0.30%
132	OP81000005	DU017	52,208	1.2 4841 W 90TH ST	4841 W 90TH ST	PRAIRIE VILLAGE, KS 66207		38,955	0.89	74.60%	0.50%
133	OP81000005	DU019	46,728	1.07 4829 W 90TH ST	4829 W 90TH ST	PRAIRIE VILLAGE, KS 66207		21,006	0.48	45.00%	0.30%
134	NP03200000	DU003A	101,786	2.34 9400 NALL AVE	9400 NALL AVE	OVERLAND PARK, KS 66212		12,361	0.28	12.10%	0.20%
135	NP03200000	DU004	208,623	4.79 9300 NALL AVE	9300 NALL AVE	OVERLAND PARK, KS 66207		31,918	0.73	15.30%	0.40%
136	NP03200000	DU005	89,132	2.05 0 NS NT	9300 NALL AVE	OVERLAND PARK, KS 66207		12,570	0.29	14.10%	0.20%
137	NP03400011	DU001	12,216	0.28 5501 W 92ND TER	5501 W 92ND TER	OVERLAND PARK, KS 66207		12,216	0.28	100.00%	0.20%
138	NP03400011	DU002	9,829	0.23 5507 W 92ND TER	5507 W 92ND TER	OVERLAND PARK, KS 66207		3,361	0.08	34.20%	0.00%
139	NP03400015	DU001	15,273	0.35 9100 NALL AVE	9100 NALL AVE	OVERLAND PARK, KS 66207		15,115	0.35	99.00%	0.20%
140	NP03400015	DU002A	12,465	0.29 9112 NALL AVE	9112 NALL AVE	OVERLAND PARK, KS 66207		12,170	0.28	97.60%	0.10%
141	NP03400015	DU003	13,037	0.3 9124 NALL AVE	9124 NALL AVE	OVERLAND PARK, KS 66207		12,658	0.29	97.10%	0.20%
142	NP03400015	DU004A	2,477	0.06 0 NS NT	21225 TWIN CREEK RD	GARDNER, KS 66030		2,477	0.06	100.00%	0.00%
143	NP03400015	DU004B	12,124	0.28 5500 W 92ND ST	5500 W 92ND ST	OVERLAND PARK, KS 66207		12,124	0.28	100.00%	0.10%
144	NP03400015	DU005	15,174	0.35 5508 W 92ND ST	5508 W 92ND ST	OVERLAND PARK, KS 66207		2,116	0.05	13.50%	0.00%
145	NP03400015	DU014	10,087	0.23 9109 SOMERSET DR	9109 SOMERSET DR	OVERLAND PARK, KS 66207		2,383	0.05	23.60%	0.00%
146	NP03400016	DU013	9,874	0.23 5507 W 92ND ST	15404 W 92ND PL	LENEXA, KS 66219		3,085	0.07	31.00%	0.00%
147	NP03400016	DU014	12,533	0.29 5501 W 92ND ST	5501 W 92ND ST	OVERLAND PARK, KS 66207		12,533	0.29	100.00%	0.20%
148	NP03400016	DU015	13,766	0.32 9200 NALL AVE	9200 NALL AVE	OVERLAND PARK, KS 66207		12,015	0.28	87.30%	0.10%
149	NP03400016	DU016	13,000	0.3 9208 NALL AVE	9208 NALL AVE	OVERLAND PARK, KS 66207		12,080	0.28	92.90%	0.10%
150	NP03400016	DU017	13,031	0.3 9216 NALL AVE	9216 NALL AVE	OVERLAND PARK, KS 66221		12,106	0.28	92.90%	0.10%
151	NP03400016	DU018	12,993	0.3 5500 W 92ND TER	5500 W 92ND TER	OVERLAND PARK, KS 66207		12,903	0.3	100.00%	0.20%
152	NP03400016	DU019	11,052	0.25 5508 W 92ND TER	5508 W 92ND TER	OVERLAND PARK, KS 66207		2,654	0.06	24.00%	0.00%

No. Property ID	Area (ft2)	Acres	Situs Address	Owner Address	City, State Zip	Billing Address	Billing City, State Zip	Area In Buffer (ft2)	Acres In Buffer	% of Parcel	% of Buffer
153 NP09860000 0001	292,678	6.72	5500 W 91ST ST	5500 W 91ST ST	OVERLAND PARK, KS 66207			13,145	0.3	4.50%	0.20%
154 NP27400000 0001	14,285	0.33	9500 ROE AVE	9500 ROE AVE	OVERLAND PARK, KS 66207			12,316	0.28	86.20%	0.20%
155 NP27400000 0002	9,755	0.22	9508 ROE AVE	9508 ROE AVE	OVERLAND PARK, KS 66207			457	0.01	4.70%	0.00%
156 NP35600024 0001	14,499	0.33	4809 W 95TH ST	4809 W 95TH ST	OVERLAND PARK, KS 66207			11,580	0.27	79.90%	0.10%
157 NP35600024 0002	15,224	0.35	4805 W 95TH ST	4805 W 95TH ST	OVERLAND PARK, KS 66207			12,534	0.29	82.30%	0.20%
158 NP35600024 0003	18,009	0.41	9500 LINDEN DR	9500 LINDEN DR	OVERLAND PARK, KS 66207			14,253	0.33	79.10%	0.20%
159 NP35600029 0001	34,541	0.79	4705 W 95TH ST	4705 W 95TH ST	OVERLAND PARK, KS 66207			28,011	0.64	81.10%	0.30%
160 NP35600029 0002	14,361	0.33	9501 LINDEN ST	11204 CEDAR ST	LEAWOOD, KS 66211			14,310	0.33	99.60%	0.20%
161 NP35600029 0002A	1,932	0.04	0 NS NT	11204 CEDAR ST	LEAWOOD, KS 66211			1,932	0.04	100.00%	0.00%
162 NP35600029 0003	18,363	0.42	9505 LINDEN ST	9505 LINDEN ST	OVERLAND PARK, KS 66207			4,071	0.09	22.20%	0.10%
163 NP74200000 0001	14,061	0.32	5500 W 92ND PL	5500 W 92ND PL	OVERLAND PARK, KS 66207			14,061	0.32	100.00%	0.20%
164 NP74200000 0002	11,250	0.26	5508 W 92ND PL	5508 W 92ND PL	OVERLAND PARK, KS 66207			3,942	0.09	35.00%	0.00%
165 NP74200000 0023	11,250	0.26	5509 W 92ND PL	5509 W 92ND PL	OVERLAND PARK, KS 66207			4,038	0.09	35.90%	0.00%
Total Area of Parcels: 233.92 acres (10,189,707 ft2)								8,622,797	197.97		106.60%
Total Area of Parcels in Buffer: 197.95 acres (8,622,792 ft2)											
Area of Parcels in Buffer Less Subject (Rezoning Parcels 18): 61.45 acres (2,676,615 ft2)											

*Because the AIMS areas include an error related to parcel number #OZ23700000 which has 28 individual condo parcels see Buffer Results #53-108, a correction needs to be made to the overall total area. The error occurs in that each condo parcel also has an associated land parcel which has been added to the overall total area. The 28 condo parcel areas show 1,160,460 sq ft (land) and 7,540 sq ft (condos) for a total of 1,168,000 sq ft. In actuality, the parcel is only 271.49 feet by 180.00 feet which is a total of 48,868.2 sq. ft.

*Therefore the Total area of parcels in the buffer area less subject parcel should be 2,676,615 - 1,168,000 + 48,868.2 = 1,557,483.2 sq. ft. This is the number that should be used to determine if 20% of the buffer area has signed the protest petition.



PLANNING COMMISSION

Council Meeting Date: June 2, 2008

COU2008-37 Consider Special Use Permit for wireless communication tower and equipment compound at 4805 West 67th Street

RECOMMENDATION

Recommend the Governing Body Adopt the recommendation of the Planning Commission and deny the Special Use Permit based on the findings of fact of the Planning Commission.

BACKGROUND

T-Mobile is requesting a Special Use Permit to construct a telecommunications tower and install supporting equipment cabinets at 4805 West 67th Street. The tower is proposed to be 120' in height. The initial application included a 4' lightning rod on top, but the applicant informed the Planning Commission at the hearing that the lightning rod was no longer being requested. The tower is proposed to be a stealth monopole with the antennae mounted inside the pole. An example of this monopole is located at 125th Street and Quivira Road in Overland Park. The one difference is that there will be no flags on the monopole proposed in Prairie Village. According to the applicant, the tower will be able to accommodate a total of three carriers. The proposed T-Mobile equipment compound will be 30' square surrounded by an 8' tall brick screening wall. The brick will match that of the existing church building. This compound, however, will only accommodate T-Mobile equipment and additional compounds will need to be built for the other two carriers. There is a drainage channel along the south property line and the equipment compound will need to be placed far enough away so that the banks are not disturbed.

In addition to the normal equipment box, the applicant has also proposed to include a standby emergency generator. Standby emergency generators require site plan approval by the Planning Commission so it needs to be addressed as a part of this application. There are some concerns regarding standby generators; one is noise, and the other is the source of fuel. The Johnson County Fire District is concerned about multiple installations of standby generators throughout the City and has recommended that they be directly connected to a natural gas line. T-Mobile is the first carrier to submit a request for a standby generator; other carriers have made inquiries. It would be preferable to have one generator at a location and not three. This would minimize the negative aspects of a standby generator and reduce the size of the equipment compounds. The applicant initially had concerns about liability, operation, and management when multiple users are involved in sharing a generator. However, at the Planning Commission meeting, the applicant agreed to a single natural gas generator to be shared by all providers co-locating on the tower.

Most of the applications in Prairie Village have either been the installation of antennae and their associated equipment cabinets on buildings or water towers. There are only two freestanding towers in Prairie Village; and they are located at City Hall and at the Fire Station at 90th and Roe Avenue. Towers are more controversial and typically create more neighborhood concerns. The Telecommunications Act of 1996 established some limitations when considering a wireless facility and the primary points are as follows:

- A city shall not discriminate among providers.
- A city shall not prohibit or have the effect of prohibiting the installation of wireless services.
- An application must be acted on within a reasonable period of time.
- A decision to deny an application for wireless communications must be in writing and supported by substantial evidence.
- The Federal Communications Commission regulates the environmental efforts of radio frequency emissions and a city cannot consider this issue as approving or denying an application.

The fourth bullet is the most critical. The Planning Commission has recommended denial of this Special Use Permit and, if that recommendation is adopted by the Council, it should be supported by substantial evidence in writing.

The Staff has reviewed the application based on the City's policy for wireless communications towers and the factors required to be considered by the Planning Commission in making its findings of fact to either approve or deny a Special Use Permit. The Staff's recommendations were set forth in its Staff Report to the Planning Commission dated April 1, 2008.

There was a significant amount of public testimony during the public hearing. Proponents of the application primarily focused on safety and emergency availability issues. The opponents were primarily concerned about the tower height, its appearance (architectural style), and the adverse affect on adjacent property values.

The Planning Commission discussed each of the nine factors that must be considered and made its finding of facts, as follows:

- 1. The proposed special use complies with all applicable provisions of these regulations including intensity use regulations, yard regulations, and use limitations.**

The Planning Commission found that the location of the tower appears to meet all the setback requirements of the regulations. The compounds for T-Mobile and other carriers must be 25' from the rear property line. The proposed tower is to be 120' in height, which is less than the 150' maximum height set out in the City's policy.

- 2. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.**

The Planning Commission expressed concern that the special use at this location would adversely affect the welfare of the public and did not find in support of this factor. These concerns were based, in part, upon the testimony of the public and the applicant, and the comments previously expressed by members of the Commission.

In making its findings, the City Council should also give consideration to the information presented regarding the other seven sites that the applicant evaluated. The Regulations require a study comparing potential sites within approximately a ½ mile radius. Further, the Regulations require the study to demonstrate to the City's satisfaction that these alternative tower sites are not available due to a variety of constraints. The information submitted on those locations was very brief and in some cases dated. More up-to-date and detailed information on each of the sites should have been submitted, setting out why each alternate site was not an option, whether it be because of coverage, contractual reasons, or otherwise. Propagation maps for each of the seven sites would also have been beneficial to determine which site provided the best coverage for the applicant's overall need. The applicant did not provide these items and therefore, based on the findings by the Planning Commission that the proposed location would adversely affect the welfare and convenience of the adjacent properties, it is difficult to determine if one of the other proposed sites would have less of an impact on the welfare or convenience of the properties adjacent to those alternative sites.

In addition, because the applicant has not shown that this site would provide the best coverage capacity or options (convenience to the user) over the other alternative sites, it is difficult to determine if this site would adversely affect the convenience of the users of this particular carrier. In other words, the applicant has not shown that this is the best site for T-Mobile and T-Mobile customers in terms of providing maximum coverage, or whether an alternative site would provide better coverage for T-Mobile's overall system and/or reduce the need to locate an additional tower elsewhere within the City.

It is also noted that the applicant has not submitted the required letters notifying other providers of the proposed request and inquiring of their interest to co-locate. Without this information, it is impossible to determine (1) whether the additional proposed height of the tower for co-location is necessary; (2) whether this location would benefit the other providers - either generally or as opposed to any of the other alternative sites; or (3) whether the height of the tower co-location options would be sufficient for the other providers.

3. The proposed special use will not cause substantial injury to the value of other properties in the neighborhood in which it is to be located.

The Planning Commission found that the proposed special use would cause substantial injury to the value of other properties in the neighborhood, particularly those located adjacent to the site. The Planning Commission specifically noted the broader impact of residents choosing not to remodel or make investments in their property because of their perception of the negative impact on their property. The tower would adversely affect residential property in this area and the Commission found this factor to be negative.

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to: (1) the location, size

and nature of the height of building structures, walls and fences on the site; and (b) the nature and extent of landscaping and screening on the site.

It was the opinion of the Planning Commission that the proposed location of the tower within close proximity to residences and their yards and the height of the tower at 120' would dominate the area and, based on testimony, would hinder continued redevelopment of an area that is experiencing a significant amount of reinvesting through large expansions or teardown rebuilds. The height of the tower was based on providing co-location for two additional providers, but no documentation was submitted that other providers had been notified, as required by the Regulations, or were interested in this location.

- 5. Off-street parking and loading areas will be provided with standards set forth in these regulations, and areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**

The Planning Commission found that additional off-street parking will not be necessary for this particular use because there will be no permanent staff on the site. Service people will be available on site when installation occurs, and periodically to maintain the equipment. The existing church parking lot that is provided on the site will be adequate for this need.

- 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.**

The Planning Commission found that water, sewer and power services to this site should be adequate because there will be no permanent occupancy by people. There will be a need for a gas line if the standby generator is approved. It should be noted, however, that the area may or may not have additional impervious surface and that a storm drainage master plan should be prepared and submitted to Public Works for their review and approval. Also, the proposed equipment compound is located in the natural drainage path of the parking lot and it will be necessary to address that in design and as a part of the separate site planning process.

- 7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.**

The Planning Commission found that the existing church parking lot will be used for access and will be more than adequate to handle the traffic generated by this use.

- 8. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing process, obnoxious odors, or unnecessary intrusive noises.**

The Planning Commission found that the proposed tower and equipment installation will not have any hazardous or toxic materials, obnoxious odors, or intrusive noises that will affect the general public.

- 9. Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed structure is to be built or located.**

The Planning Commission found that the height and design of the proposed cell tower was clearly not compatible with the architectural style of the residences in the neighborhood.

In making its recommendation to approve or deny the Special Use Permit, it is not necessary that the Planning Commission find all or a majority of the factors favorable or unfavorable. Based on the specific application, the Planning Commission may feel that one or more of the factors are more significant or critical than the others and the recommendation would be based on the findings of the critical factors. On this application, the Planning Commission determined that factors 2, 3, 4, and 9 are the most pertinent and none of these factors were found to be positive.

Randy Kronblad moved to recommend the City Council deny the request for a Special Use Permit for a communications tower at 4895 West 67th Street based on the negative findings of fact as previously stated, and directed staff to prepare written documentation to be submitted to the City Council and applicant enumerating those findings. The motion was seconded by Marlene Nagel and passed unanimously.

Options:

In making its decision, The City Council must make findings of fact based on the nine factors. It can adopt the findings of the Planning Commission or make its own findings of fact. The City Council shall make its findings of fact and either:

- A. Adopt the recommendation of the Planning Commission and deny the Special Use Permit based on the findings of fact of the Planning Commission, or
- B. Override the recommendation of the Planning Commission by a 2/3 vote of the Governing Body (9 votes), or
- C. Return the recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove the recommendation and ask the Planning Commission to consider the City Council's statement.
- D. Continue the item to a designated meeting by a simple majority.

ATTACHMENTS

Planning Commission Minutes - April & May, 2008
Application & Preliminary Plans
Protest Petition Memo and attachments
(Note the entire file is available for review from the City Clerk)

PREPARED BY

Ron Williamson
City Planning Consultant

Date: April 29, 2008

**PLANNING COMMISSION MINUTES
MEETING OF MAY 6, 2008**

Chairman Ken Vaughn called for a 10 minute recess with the Commission meeting to continue at 9:00 p.m.

The Commission reconvened at 9:00 p.m. Chairman Ken Vaughn reviewed the procedures for the public hearing and opened the public hearing for:

**PC2008-02 Request for Special Use Permit for a
Telecommunications Tower & Related Equipment
4805 West 67th Street
Zoning: R-1a**

Bob Lindeblad stated he has a conflict of interest on application PC2008-02 because he is a member of the church on which the tower is proposed to be located. He stated he would therefore recuse himself from the meeting.

Scott Beeler, 10851 Mastin, Counsel for T-Mobile and Selective Site Consultants, addressed the Commission on behalf of the application. Mr. Beeler introduced Garth Adcock, Regional Manager for T-Mobile, Cheri Edwards and Justin Anderson from Selective Site Consultants.

Mr. Beeler stated that cell phones have gone from being a want to being a necessity. The usage of cell phones has not only increased over the years but it has also dramatically changed. Initially they were used only in cars. Currently, across the nation wireless/cellular service is replacing landline service. In United States 12% of all wireless users have abandoned their land lines totally and that number is increasing. Even in the Kansas City community, 49% of all 9-1-1 emergency service calls made are made by cell phones.

What the Commission is dealing with tonight is the potential adding of a wireless facility to enhance coverage where it is desperately needed. Mr. Beeler noted it is easy to locate towers in the country, in an industrial district and even commercial districts. They can be located in office areas where there are high-rise offices on which the antenna can be placed. It is never easy to find locations for these needed services in residential dominated communities. Prairie Village is largely all developed residential space. The opportunities in residential areas are water towers, churches, parks, public space and sometimes public facilities or country club. Opportunities for location in residential areas are less. Viable locations must meet the following criteria: Available, Agreeable and Acceptable.

Available means there is property that could be leased for this use. Mr. Beeler noted there are a number of potential sites in this area, but the owners are not interested in leasing their property for this use; and therefore, they are not available. If willing to lease, an agreeable business relationship/lease must be negotiated. Lastly, it has to be acceptable. This is where the engineers determine if the site can produce the needed coverage. This coverage includes coverage in buildings.

Mr. Beeler entered into the record a notebook of e-mails received supportive of this application. They are acting on the demands of the market residing within this area. Mr. Beeler reviewed the engineered propagation studies showing existing in-building coverage in the proposed area. The immediate area surrounding the proposed location shows no coverage available. The propagation map after the proposed installation reflects total coverage for the entire area. He then reviewed a slide showing the search ring identifying the location necessary to provide coverage needed. He noted height, elevation, geography, maturity of tree lines all impact what coverage can be obtained. He stated even if a site is available, agreeable it may not be acceptable from a radio-frequency standpoint. He added the rings move based on the location of other towers in the general area.

Mr. Beeler stated this has been a four-year process for T-Mobile. They have negotiated with Johnson County Water One, with the City, with five different churches at the following locations:

- Woodson Avenue Bible Church (67th & Woodson)
- St. Michaels & All Angels (67th & Nall)
- Nall Baptist Church (67th & Nall)
- 69th & Roe water tower (69th Terrace & Roe)
- Faith Evangelical Church (67th & Roe)
- Homestead Country Club (Homestead & Mission)
- Village Presbyterian Church (67th & Mission)
- Prairie Village Fire Station #2 (63rd & Mission)

They have located an acceptable site, now is the time to move forward.

Mr. Beeler presented a current view of the subject property area with the proposed stealth monopole depicted. He noted towers have to be certain heights to function appropriately and it is difficult to shield them from view. Studies have proven, however, that once something is placed in the normal horizon, the smaller it is and less intrusive it is, the sooner it disappears from your noticeable view.

Mr. Beeler reviewed the different stealth tower designs including, bell towers, flag poles, cross towers, evergreen tree and monopoles. He feels the most stealth tower is a monopole with no platform. The proposed tower is 120' is 41" at the base and 21" at the top. A photo of the proposed tower on this site was presented. The antenna are embedded at the top. T-Mobile will take the top spot with the next two being available for the co-location as required by the city's code. If they had platforms and an array of antennas, their coverage would go further and be better; but the proposed tower is a way to allow T-Mobile to provide the service Prairie Village residents require. They have to be located somewhere, which is why the Telecommunications Act was written with provisions that providers may not be prohibited from providing wireless services.

Stealth monopoles fit best in residential areas. The tower is set back away from the thoroughfare. It is set back 265' from the closest home to south, almost 150' to the closest home to the west, 311' to the closest home to the north and over 400' to the home across Roe. When a tower is set back with that much depth it loses its height perception and you don't notice the difference. Mr. Beeler showed a picture looking north from 68th Street through trees, noting the difficulty to see the tower.

Mr. Beeler restated that 12% of the U.S. population or 36,000,000 residents have replaced their land line phone with mobile phones. In stressing the importance of wireless service, Mr. Beeler stated in 1995, there were 55,000 E-911 calls recorded nationwide per day. In 2006, that number rose to 291,000 per day. In 2006, the total E-911 calls in Johnson County numbered 5900 with 49% of those made from wireless phones. In 2007, T-Mobile averaged 151 E-911 calls per month in Prairie Village.

Mr. Beeler closed stating in Prairie Village, especially in an area like this, with full grown mature trees, with very few sites where this could be located, church sites are the most likely candidate and knowing that this process has been underway for years and a site finally is selected that will work, this is an application that should be supported.

Mr. Beeler noted that all the listed churches have had discussions with T-Mobile, three of them extensively with the churches ending negotiation. The Commission needs to look at this site based on this information.

In response to concerns with the impact on property values, T-Mobile has obtained an independent professional appraiser (Integra Realty Resources) to study in the local area on whether or not home sales are detrimentally affected by a potential site such as that proposed.

Mr. Beeler presented for the record information contained in the report by Integra.

“In the study there are four case studies reflecting properties that are either adjacent to or not cell sites. A number of instances in this report reflect that the property actually abutting the cell site sold for more money, not always, but there are some that actually show. That both in terms of the gross sale price and the square foot price that are in the document. There are also, a few examples where the reverse is true. On a global basis of analysis; they are virtually the same numbers. The appraiser was analyzing the values, not to see if there was any specific differences between some sites, but rather to look at it in a way that allows them to compare abutting vs. non-abutting sites with as few factors as possible. The differences between the houses were minimal in order to determine if a difference in the price was attributable to the tower.

Vacant lots are the best judge of the extent of towers on property values. In other words, lots that homes have not been built on, because then there is no impact from the improvements, i.e. whether it is a slate roof or a shake roof, a pool vs. no pool. It is just value of raw land and in Case Study 1; you will see a lot of sales that were actually more expensive abutting the cell tower site.” Mr. Beeler stated in the many tens of reports he has seen, he has yet to see one that concluded anything other than there is no difference in the sale prices or it is smaller than the market recognizes.

This report provides examples from a +.80 factor up to about a -8% depending upon the example. There are vacant lots in the study, new homes which are the second most accurate comparison as they are more likely to be similar in construction, floor plans and features. Older homes, homes over 50 years in the cases studied, are not as easy to compare. The report finds that “Properties of this age, even if commensurately maintained will have differences based on the utility of the floor plan.

The improvements are the more likely to reflect personal tastes and preferences. Given the inconsistencies inherent in older residences used for this analysis, the appraiser's consider a variance of up to 10% to be a nominal disparity, attributable to the vagaries of the market and the buyers, not the presence or absence of an externality such as an abutting cell tower.

In pairing the sales of individual properties there is not a meaningful difference in value between those abutting and those not abutting a cell tower, outside the price deviation under normal market conditions. Case Studies 1 and 2 provide the purest and most readily applicable findings and represent three types of properties, land, single family attached and single family detached. Mr. Beeler concluded that there is no evidence of any impact that a cell tower site will have on the value of single family residential lots, single family residences or condominiums due to proximity."

Ken Vaughn asked if the applicant had received the staff comments and if they had any concerns. Mr. Beeler responded they had and with one exception he is prepared to agree to all 16 of the conditions noting the 4' lightning rod at the top of the tower is not necessary.

Mr. Beeler noted the "Golden Factors" do apply to this application. He noted staff is supportive of this application. The staff report states that "the use proposed is appropriate for this neighborhood and the character of the neighborhood and its use." The use and the character of the neighborhood as discussed in "Golden" means residential with ancillary uses that will occur and that includes services, whether that be utility poles, a water tower for water services or a cell tower for cellular services. There is no differentiation between those services. Mr. Beeler noted there have been no restrictions to the use of this property created by this application. There is not a change to the property that will detrimentally affect neighboring property. The vacancy consideration does not apply. In response to relative gain to the public health, safety and welfare, Mr. Beeler noted the public is demanding service and emergency service accessible by wireless phones. Staff has recommendation approval of this use and it is in compliance with the comprehensive plan.

Marlene Nagel questioned if they had investigated the Prairie Village Shopping Center area as a potential site. Sheri Edwards responded they had talked with Highwoods Properties and did not enter into any negotiations. They walked away.

Mrs. Nagel stated the staff report indicated negotiations were on-going with the fire district. Justin Anderson responded an agreement had been reached with the Fire District; however, during the engineering studies it was learned the potential location was on top of a utility easement prohibiting the construction of the tower.

Mrs. Nagel noted staff suggested encapsulating the antenna with the existing church structure. Mr. Anderson stated when they first approached the church they attempted to do that. The church has unique architecture and is only 54 feet tall. They need a much taller structure. They were not able to create an appropriate architectural element in relation to the church's height to secure the necessary height for the tower.

Mrs. Nagel asked the height of the existing light pole. Mr. Anderson replied he did not have the exact height, but felt it was approximately 30'. He noted the white door on the shed next to the proposed tower is eight feet in height.

Mrs. Nagel asked what the height of the existing trees were in the photo taken from 68th Street. Mr. Anderson replied the trees from the parking lot view of the church on 67th Street are approximately 60' in height. He noted the initial photo simulation was taken from the north side of the church because they were unable to see through the mature existing trees until winter when there were no leaves on the trees. The trees in the photo taken from 68th & Cedar are approximately 65' to 70' in height.

Mrs. Nagel confirmed they needed the 120' in height to get the coverage needed. Mr. Anderson replied that the 120' also allows for co-location on the tower for future carriers. He said otherwise they could make due with 100'.

Marlene Nagel asked for clarification on the structure at the base of the structure and related equipment. Mr. Beeler responded the structure is fully encased and at staff request will be built in brick to match the building. The structure is 30' by 30' with all the equipment located inside.

Scott Beeler stated most cities, including Prairie Village, require towers to provide for co-location of other carriers to limit the number of towers needed. By having two more carriers the height is increased 18 to 20 feet to allow for the additional cones for other carriers. The height of the tower could be reduced, but it would prevent co-location. However, he noted a height of 120' provides the maximum coverage area.

Nancy Vennard asked if the structure was at the very end of the parking lot or is there parking around it. Mr. Beeler responded it is actually a little beyond the parking lot. Mrs. Vennard asked if there was any landscaping planned around the brick wall. Mr. Beeler stated he does not think there is a final landscape complete yet, but one will be submitted as stipulated by staff.

Randy Kronblad asked if the wall was brick on all sides. Mr. Beeler responded there is an eight foot gate on the east side of the structure.

Marlene Nagel asked if additional carriers were to be added where their equipment compounds would be located. Mr. Beeler stated they would be directly adjacent to their compound. He noted generally speaking they would be smaller because the T-Mobile compound also includes the monopole equipment to operate the monopole. The other carriers will only need enough space for their electronic antenna equipment. The plan has placed future carrier's equipment compounds on the east and west sides of the T-Mobile compound. The wall heights would not be noticeable because of the mature growth of trees in the creek bed immediately due south.

Randy Kronblad confirmed a co-locator could not locate equipment within the proposed wall without expanding the size of the wall. Marc Russell asked why they could not expand the compound. Mr. Beeler stated the co-locators would be competitors and demand security and separation of equipment.

Marlene Nagel asked if the one generator recommended by staff was acceptable. Garth Adcock, Manager of T-Mobile stated the generator could be shared with future tenants. He also noted in residential areas they use a whisper type generator that is very quiet. It could be designed for multiple carriers and they could agree to share it. He said that typically for 4 carriers you would design an 800 amp electric service. It could be done. He said they would like to have the generator, but that they did not have to have it. Randy Kronblad asked if the generator used natural gas for a fuel source. Mr. Adcock stated it could be. Mr. Vaughn stated it would be. Chairman Vaughn opened the matter for public hearing.

Casey Housley, 4800 West 68th Street, addressed the Commission on behalf of several property owners against the application. He stated they are not against all towers. He does not feel this application meets the zoning requirements and should be denied.

The statement was made that the public requires service; he would submit that it is T-Mobile that demands service. He said there is already service in the area that would be covered by the tower, T-Mobile wants to enhance that service, gaining access within homes to allow broadband coverage and compete more competitively with other carriers. Mr. Housley noted no statistics were presented on number of dropped cell phones.

Mr. Housley agrees that the carrier needs sites to be available, agreeable and acceptable. Eight sites were submitted as being unavailable, unagreeable or unacceptable. However, they know of one phone call made as late as today to the Nall Baptist Church on 67th Street indicating that church would be happy to talk with T-Mobile. Mr. Housley is not suggesting the site be relocated there; however, he is suggesting that if there were two sites with smaller towers more could be done with technology to address the height of the tower and the style of the tower. He asked the Commission to exercise its discretion

The figures given to the Commission regarding the distance of the tower to adjacent properties were figures to homes, not to property lines. This abuts property lines. People use their entire property.

The applicant submitted documentation from people in support of their application. Mr. Housley stated they contacted some of those people and discussed the specifics of this application and three of them changed their support and have signed the petition against the tower.

In response to the E911 argument, Mr. Housley stated T-Mobile is not a hospital, but is a corporation trying to make a profit.

Mr. Housley addressed the report submitted regarding the impact of towers on property values. The report looks at the value of properties based on the proximity to cell phone towers. He states the question is "how much would the properties sell for if the tower were not present?" The report does not address that. He also questioned comparison of properties in Olathe, Leawood and Roeland Park with property in Prairie Village. Mr. Housley noted the cities in the case studies submitted have a comprehensive ordinance governing the use and installation of towers. Namely, they

have setback provisions, which Prairie Village does not have. He does not feel the report truly addresses the impact of this cell tower on Prairie Village properties

Mr. Housley submitted an analysis by Donald Gossman, which contradicts the findings in the analysis done by Integra. He finds "The proposed 120' monopole design contemplated in the SUPA PC2008-02 would in my opinion be considered a visual obsolescence in the surrounding neighborhood. A visual obsolescence, to a reasonable degree of real estate appraising certainty, will cause injury to the value of property in the neighborhood where the visual obsolescence is contained."

Mr. Housley also submitted an article from Appraisal Journal, copyright 2007 Appraisal Institute entitled "The Effect of Distance to Cell Phone Towers on House Prices in Florida. One-third of the individuals responding to his opinion study stated a cell tower located in close proximity to property would diminish property values by more than 20%.

Another criteria for consideration is whether the tower will hinder future development. Mr. Housley noted there is significant redevelopment along 68th street. This redevelopment increases tax revenue. There are residents in this area who are questioning making improvements to their property because of the possible construction of this tower and its impact on their property.

The proposed tower is not consistent with the architectural style of the neighborhood. The 120 monopole is equivalent in height to a 12-story building. The additional height is needed because this is not the best location.

Mr. Housley stated the Commission can execute its discretion on the basis of aesthetics, property value, future development and public concern and deny this application and the action would probably be upheld. He referenced court cases in other jurisdictions supporting the authority of Planning Commissions to execute discretion.

Over a long period of time a number of alternative sites have been explored; however, there is no reference to reinvestigation. He would submit that these sites are no longer dead or unavailable. Just as supportive statements were submitted by the applicant, they will submit a general petition with over 300 signatures of people within the search ring opposing the tower. If the tower is designed to service a need in the area, why are there over 300 people in this area signing a petition against the tower.

Martha Hardin, 6725 Belinder, a real estate agent for 24 years in northeast Johnson County, stated from her experience houses backing up to high utility lines or a cell tower will always take longer to sell and typically bring less money than other homes.

Cindy Haskell, 4400 West 77th Place, asked the Commission to consider the safety issues created by lack of cellular service inside buildings. As a T-Mobile customer, she is unable to get cellular service inside Faith Lutheran Church. When she has Girl Scout meetings or youth overnight events, parents are unable to contact her. The church does not have landlines in the internal classrooms. The entire church is a dead space. This was noted when the emergency sirens went off during the

neighborhood meeting last week and people were unable to use their cell phones. Mrs. Haskell asked for the Commission to consider safety of children over aesthetics.

Kate Faerber, 4806 West 68th Street, directly behind the proposed tower. She first learned of this application last February and attended the neighborhood meeting where she learned the proposed location of the pole, including the 30' x 30' equipment building, would be 24 feet from her rear property line. The land being leased to T-Mobile is 2400 square feet, a footprint larger than most of the homes in the area. The area will not only include T-mobile equipment but also that of Verizon and another carrier. She noted the area goes into a dry creek with 60' tall trees that have been there for more than 50 years. The construction of the additional equipment structures would require these trees to be removed.

Her family uses their entire back yard. She has three young boys who play in the backyard, her garden is directly behind the proposed area. Mrs. Faerber expressed safety concerns from ice falling from the tower or the tower itself falling during a storm. She does not feel it is appropriate to locate towers adjacent to residential properties, noting other area cities establish setbacks for towers in residential areas. She noted Prairie Village is experiencing population decline and fears the location of cell towers in residential areas will discourage families from living in Prairie Village. Mrs. Faerber shared photographs taken from her back yard. The tower will not be obscured by trees. She stated the tower as displayed by T-Mobile is inaccurate and should be depicted one-third higher than reflected. She urged the Commission to deny this application as it does not fit as proposed.

Ken Vaughn asked how the height of the tower in her photograph was determined. Mrs. Faerber stated it was based on the measurement of the height of the door on the building in which the boy scouts store materials which is 7.5' and multiplied to reflect 120'.

Wyatt Cobb, 6615 Hodges, on corner of 67th & Hodges asked what the mutual benefit to the community would be with this proposal. He noted T-Mobile has a program that allows T-Mobile to connect with wireless internet in a building and receive connection. T-Mobile should promote the services it is already providing on their network to residents in the area that will address this problem. Mr. Cobb stated the City needs to implement very specific guidelines addressing the placement of cellular towers. State and Federal guidelines favor the cell tower companies. He urged adoption of new regulations.

Sheri Rowen-Nigus, 6828 Roe Avenue, stated she does not have cell service in her home. She recently experienced having her daughter at KU unable to reach her after she was sexually assaulted. A daughter who lives in the area was also unable to reach her after a miscarriage because her cell phone does not work in their house. Maybe the proposed tower is not the answer, but there needs to be something done for Prairie Village residents to have competitive services.

Mary Cordill, 4904 West 68th Street, noted people believe they need better coverage, but she noted there are alternative locations and land lines are an option available for service. In a very short period of time, they have secured more than 300 signatures

from residents surrounding Faith Lutheran Church opposing the proposed installation. The application does not fit the Village Vision.

They have tried to work with church, but the parish council felt they were providing a community service. The Church should be more sensitive to the concerns of the neighbors.

Her major concern is with the precedence that will be set if this installation is approved. She is concerned with the expansion of additional carrier and additional towers in the area. She feels the City needs to be very deliberate in its consideration of tower applications. She asked if the tower could be shorter. Mrs. Cordill expressed her strong opposition to this application and asked if there was anything the City could do to provide incentives to businesses and commercial properties to encourage them to consider placement of towers on their properties.

Paige Price, 6730 Fonticello, she wants to improve her property. She has had her office in her basement for 14 years and has cell service. She strongly opposes this installation.

Steve Moreland, 6730 Fonticello, noted he currently has approved building plans to build a new home on their property. However, they have placed those plans on hold pending the outcome of this application. He asked Commissioners if they would purchase a new home with a cell tower and asked that the application be denied.

Randy Cordill, 4904 West 68th Street, expressed his strong opposition to this application. He asked when it became an inalienable right to have in home cell service. He feels the presentation by T-Mobile has been deceptive at every step. The depiction of the height of the tower is deceptive. They also have not shown propagation studies that indicate general cellular coverage has very few white areas. The site they have chosen is not within the search ring they have identified. Mr. Cordill noted that going two blocks to the north, there is a 90' hill and requiring a tower at that location would reduce the tower height. This is poor planning and he urged the Commission not to go forward with this application.

Douglas Flora, 4908 West 68th Street, is disappointed that the City does not have a stricter ordinance that sets restrictions for setbacks and architectural requirements for cell towers. He urged the Commission to do so as soon as possible. People state they want better cell service, they also want lower gas prices and lower taxes. He feels the more than 300 signatures gathered over the past weeks opposing this application clearly reflect that cell service is adequate in the area. T-Mobile stated they receive 151 9-1-1 calls per month in Prairie Village. Residents are getting services. There is not a significant gap in coverage. This is a poor location. He questioned what height is actually required by T-Mobile.

Mr. Flora spoke with Bob Clark at Nall Avenue Baptist, who stated they were very open to discussing with T-Mobile the possibility of locating at their site. He urged the Commission to deny the application and stated he would be willing to work with T-Mobile or Selective Site Consultants to reopen negotiations at any of the identified sites.

Harold Neptune, 4722 West 68th Street, stated it is not unheard of for people on 68th Street to care significantly about their back yards that is why they purchased property on 68th Street with large back yards. He noted there isn't any place from their home or their backyard that the proposed monopole will not be the prime focus of their view. Where they plan to place the tower and buildings will require the mature trees in the creek to be cut down. If safety is to be a prime concern, there should be a Federal law requiring a tower every half mile. There is a potential tower being located a Village Presbyterian Church, a half mile away.

Walter Hickman, 5101 West 68th Street, stated his wife has had T-Mobile for over eight years and has not had any dropped calls or service problems. He acknowledged there are differing opinions on service needs. This is a permanent decision and he urged the Commission to have the applicant spend a little more time to investigate alternative sites to provide the best coverage for all. He urged the Commission to deny the application and direct the applicant to seek alternative locations that are more conducive.

Steve Roth, 6801 Cedar, agreed there is a lot a residential zoning in Prairie Village. He stated the applicant has been less than forthright. The light pole shown in the picture was said to be 30 feet in height. If that is the case, the monopole should be depicted as ten stories high which is totally out of character with this two-story neighborhood. Mr. Roth stated none of his family members have ever had a dropped call and happy with their coverage. Mr. Roth noted he receive an approval from the Commission in October for a building line modification; however, that project is on hold pending the outcome of this application. He is hesitant to invest significant money in his property if the cell tower is constructed at this location.

Anita Bates, 4815 West 68th Street, spoke in opposition to the application. She has cell service in her home with another carrier. She feels residents have the right to choose their carrier they also have the option to hand a land line. She urged the Commission to deny this application.

Jason Julian, 6740 Roe Avenue, adjacent to the parking lot at the church, spoke against the application. He has T-Mobile and has not dropped any calls or had problems receiving calls in his house. He has not heard T-Mobile state this application would guarantee calls for emergency services. There are no guarantees.

Garth Adcock, representing T-Mobile, stated between 2003 and 2006 on the T-Mobile network minutes of use doubled. The network is designed for the future, there is no end to the demand for affordable technology. He stated towers do not fall and when there is a structural failure, they fall on themselves. They do not fall like trees. In January 2007, in Springfield, Missouri lost electric power for almost 60 days and during that time T-Mobile network supported almost 4000 9-1-1 calls. They have exhausted all other alternatives.

Scott Beeler submitted a copy of the power point presentation for the record. He congratulated the individuals attending and speaking at this hearing, that's what the process is about; however, it comes down to the evidence. The Integra Report submitted is a full report submitted under use pap standards for appraisers. The affidavit with Mr. Housley's report is not. While it has an opinion that there could be a

deminution in value there are zero comparables, i.e. zero evidence to support his conclusion. Integra, on the other hand, has submitted four separate case studies to support his opinions, two of which are much like Prairie Village. He also noted Ms Hardin's testimony as a real estate agent offer no examples to support her statements that the values are negatively impact. It is not evidence and does not support the conclusion they are asking for.

Mr. Beeler reference the water tower at McCrum Park one and a half blocks from this location. He asked if the water tower is a blight on the community. The tower is nearly 110 feet in height, dark grey with a huge base across. The proposed tower is 41' at the base.

The article submitted by Mr. Housley stated results of their research showed that prices of property decreased just over 20% on average after a tower was built. This is a 2004 report done out of Florida, not Kansas. Remember the Integra Study stated not only is 2% diminual, up to 10% of market value is attributable to the variables of the market and not any individual cause.

The Federal Court in the state of Kansas has determined through its decisions that a failure to allow enhancement of coverage can be construed a prohibition under the Telecommunications Act. Judge this application on its merits and the facts heard tonight.

Mr. Beeler stated bell towers would have a 20 foot base. What is more intrusive 21" at 120 feet or 20 feet across and solid masonry bell tower. What's more intrusive, 21" at the top and 41" at the bottom or an evergreen tree 120 feet tall with branches that come down like a Christmas tree. A stealth tree tower would be so much more obtrusive that the proposed monopole application for this site. There are no trees being cut down by T-Mobile for this installation. The trees are outside the brick enclosure.

They have presented evidence, the photo simulations are computer designed based upon laser technology to show in depth perception the way it would be viewed from that location. These are routinely required by cities as a professional accurate depiction of what the tower will look like. The Commissions job is to weigh the evidence and sort out the emotion and commentary from the evidence and determine what is reasonable, especially in view of the fact that this has been a four-year project for a site which has a negotiated agreement.

Mary Cordill, stated they are not attempting to push the problem to another location but to create options for a smaller tower. Investigating sites where an additional shorter tower could be located that could reduce the need for the 120' in height and may allow a design that could be incorporated into the existing church structure. At the neighborhood meeting with T-Mobile, they asked if they two shorter towers could provide the needed coverage. T-Mobile said yes. At the May 1st meeting they asked if they could set up meetings with alternative sites if T-Mobile would consider them and they stated they would. This is why they approached Nall Avenue Baptist.

Chairman Ken Vaughn closed the public hearing at 11:10 p.m.

Marc Russell asked the applicant to address the ice concerns and need for the 120' height. Mr. Beeler responded the engineering studies revealed in order to fill in the spots indicated on their maps that are not getting coverage, a tower height of 120 feet would be needed. Mr. Adcock replied two and half years ago when he was transferred to the Kansas City area he investigated the impact of ice on towers. His research revealed no evidence of ice falling from cellular towers; however, he noted the construction of broadcast towers is very different and there has been one incident of ice fall from them in Kansas City.

Ron Williamson stated when the City established the cell tower policy in 1996 the height question was discussed and whether the City wanted shorter towers and more of them or fewer taller towers. It was the desire of the City to restrict the number of towers needed by requiring co-location on towers, with fewer taller towers thus affecting fewer people. This has occurred on the current two towers located in the City.

Nancy Vennard asked when T-Mobile had last contacted Nall Avenue Church. Mr. Beeler responded there was considerable negotiation several years ago before their remodeling. At that time the church was not comfortable with the plan, their finances, their remodeling and that led to a break-off of negotiations. Since then the Church has moved forward and completed their remodeling. Justin Anderson talked to them today, but that discussion was maybe there could be. However, there is no offer, nothing in writing. They have a deal and noted that the Nall Avenue Church location is even further from the search ring than the proposed location. Nancy Vennard asked if their plans were for a smaller bell tower application. Mr. Beeler stated it was a bell tower, so it was stealth in that regard. Was it going to solve the problem for this area with one tower? Mr. Beeler stated one tower can not solve the problem for this area.

Mrs. Vennard stated she hears the residents asking if it would be possible to address the problem with two smaller bell towers at both churches? Would that provide the coverage wanted and would they be lower? Do the trees and terrain allow for them to be lower and as tandem would the coverage be there at an acceptable architectural height?

Mr. Beeler responded, most communities including Prairie Village, require co-location, which means higher towers. The neighbors are suggesting is the opposite of that. It would be lower and they could accomplish coverage lower, not too low. If they were lower at the current site, their coverage would not be as good and that would impact somewhere else. If they had built this application at Nall Baptist, they might not be at this site, but they would be somewhere else. They have taken the lesser consequence, and reduced the size of the structure and gone to the minimum height they need to go to accomplish the city's goal of co-location and no more.

Nancy Vennard noted although there are only two towers in Prairie Village, there are sites on buildings at 75th and State Line, 95th Street and St. Ann's and the water tower. Other solutions have been found in the City besides towers, using a combination of land and building height. Mr. Beeler stated you are limited to the reality of what is there and acknowledged there such applications throughout the

country. He noted the water tower at McCrum is not an option as the Water District is planning to remove that tower.

Ken Vaughn has concerns with the impact of a 120' tower near the backyards of people's property but he is also concerned about providing appropriate quality cell coverage. This is an issue with individual's using only cell phones.

Randy Kronblad concurred with Mr. Vaughn concerns regarding the 120' tower at this location. In driving around the area he noted a stealth tower at 94th and Nall. He noted he worked in that area, but never saw the tower as it was surrounded by multi-story buildings in a commercial area where there are other distractions. This is not the case at this location. This is strictly a residential area and nothing of comparable height anywhere. He acknowledged the comment by Mr. Beeler of the tower blending in and not be noticed after installation. He noted this was the case with the tower which blended in with other surrounding structures of similar scale. This is not the situation at this location.

Marlene Nagel agreed with Mr. Kronblad that this is not the right site. She believes public safety is important with access to 9-1-1 by cell phone users. However, she noted the guidelines for cell towers also talk about character of the neighborhood and the impact on the neighborhood in considering a permit. She does not feel this application meets those criteria.

Marc Russell concurred that there is no other vertical structure that would allow the tower to blend in. He said he was concerned it was so close to the backyards and was also concerned about the ice.

Nancy Vennard noted when there are petitions from 300 neighbors, both those with and without coverage, who are opposed this application, she feels it is important to listen to the residents.

Ron Williamson, City Planning Consultant, prepared the following review of this application.

T-Mobile is requesting a Special Use Permit to construct a telecommunications tower and install supporting equipment cabinets at 4805 West 67th Street. The tower is proposed to be 120 feet in height with a 4-foot lightning rod on top. The tower is proposed to be a stealth pole with the antennae mounted inside the pole. An example of this pole is located at 125th Street and Quivira Road in Overland Park. The one difference is that there will be no flags on the monopole proposed in Prairie Village. The tower will be able to accommodate a total of three carriers. The proposed equipment compound will be 30' square surrounded by an eight-foot tall brick screening wall. The brick will match that of the existing church building. This compound however will only accommodate T-Mobile equipment and additional compounds will need to be built for the other two carriers. There is a drainage channel along the south property line and the equipment compound will need to be placed far enough away so that the banks are not disturbed.

In addition to the normal equipment box, the applicant has also proposed to include a standby emergency generator. Standby emergency generators require site plan

approval by the Planning Commission so it needs to be addressed as a part of this application. There are some concerns regarding standby generators; one is noise and the other is the source of fuel. The Johnson County Fire District is concerned about multiple installations of standby generators throughout the City and has recommended that they be directly connected to a natural gas line. T-Mobile is the first carrier to submit a request for a standby generator, other carriers have made inquiries. It would be preferable to have one generator at a location and not three. This would minimize the negative aspects of a standby generator and reduce the size of the equipment compounds. The applicant has indicated that they have concerns about liability, operation and management when multiple users are involved. Those issues are probably the same with the tower owner. It would seem reasonable that whoever owns the tower would also provide the standby generator for all carriers at the location and would limit their liability by contract.

Most of the applications in Prairie Village have either been the installation of antennae and their associated equipment cabinets on buildings or water towers. There are only two towers and they are located at City Hall and at the Fire Station at 90th and Roe Avenue. Towers are more controversial and create more neighborhood concerns. The Telecommunications Act of 1996 established some limitation when considering a wireless facility and the primary points are as follows:

- A city shall not discriminate among providers.
- A city shall not prohibit or have the effect of prohibiting the installation of wireless services.
- An applicant must be acted on within a reasonable period of time.
- A decision to deny an applicant for wireless communications must be in writing and supported by substantial evidence.
- The Federal Communications Commission regulates the environmental efforts of radio frequency emissions and a city cannot consider this issue as approving or denying an applicant.

The Staff has reviewed the application based on the City's policy for wireless communication towers and has the following comments regarding the information submitted:

1. **Validation Study - A study comparing all potential sites within an approximate ½ mile radius of the proposed application area. The study shall include the location and capacity of existing towers, potential surrounding sites, a discussion of the ability or inability of the tower site to host a communications facility and reasons why certain sites were excluded from consideration. The study must demonstrate to the City's satisfaction that alternative tower sites are not available due to a variety of constraints. It must also contain a statement explaining the need for the facility in order to maintain the system and include a map showing the service area of the proposed as well as any other existing and proposed towers.**

If the use of current towers is unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower construction;

technical limitations of the system; equipment exceeds structural capacity of facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable.

The applicant has requested approval of this specific location in order to provide improved coverage to the residences and vehicular traffic in this portion of Prairie Village. A current gap exists in desired level of service in this area. Calls made on the T-Mobile system in this geographic area are susceptible to signal fade, with the end result that a call might be dropped and in-building coverage is not at an acceptable level. This installation will significantly improve the coverage which will result in better service to T-Mobile customers.

This location was chosen after a "search ring" was developed and issued by T-Mobile's radio frequency engineering team. The search ring indicates a geographic area in which potential sites may be located that will effectuate the maximum amount of coverage where service is poor.

Typical considerations in siting communication installations are the ground elevations and clearance above ground clutter, such as buildings or vegetation. In addition, the communications facility must be located in the correct geographical area, to provide continuous coverage to the sites that are indicated on the propagation studies as having poor levels of service.

Typically, site acquisition specialists' first target potential co-location sites that have already been approved within the search ring. This is done in order to minimize the cost of new construction for carriers and in order to meet the spirit and intent of the local regulations that encourage co-location in order to minimize the number of towers in a jurisdiction.

Based upon these considerations, the site selection team reviewed a total of eight locations prior to selecting this location. A brief report on each site was contained in a memo dated October 19, 2007, that is accompanying this application request.

The following sites were identified as candidates to meet the coverage objectives of RFP:

1. Woodson Avenue Bible Church (67th & Woodson) - After a year of meetings and an executable lease, the church decided not to sign; they sited their congregation as being a main factor and that they did not want to "deal with it anymore." This lease was being delivered for execution when they called to rescind their offer.
2. St. Michaels & All Angels (67th & Nall) - Not interested
3. Nall Baptist Church (67th & Nall) - They were uncertain of their plans for development and wanted T-Mobile to assist in the cost of a new steeple; rent was above \$2000.
4. 69th & Roe PV Water Tank (69th Terr. & Roe) - This site is still being pursued; Prairie Village has to consent to Water One for ground equipment.
5. Faith Evangelical Church (67th & Roe) - The rent is \$2000 with 3% increase. The church receives \$200 per co-locator; the church will receive future ground leases. They are also receiving a one- time \$7,000 payment.

6. Homestead Country Club (Homestead & Mission) - Could not come to terms with the lease or site location, or design. The club has decided to end negotiations.
7. Village Presbyterian Church (67th & Mission)- Not interested
8. PV Fire Station #2 (63rd & Mission) - The lease is in negotiation; the rent has been agreed upon at \$2000 and 3% increases. There doesn't seem to be any major changes, but the site design / location has not been finalized.

The applicant has submitted a propagation study and coverage report that shows the existing coverage without this site and shows the proposed coverage with this site indicating how the coverage would be improved for the users in this location.

2. Photo Simulation - A photo simulation of the proposed facility as viewed from the adjacent residential properties and public rights-of-way.

A photo simulation has been included; showing the proposed stealth tower within the parking lot as viewed from the north. The houses to the south on 68th Street are about 20 feet higher in elevation and will see the portion of the tower that extends above the tree line. A photosym from that direction would be helpful.

3. Co-Location Agreement - A signed statement indicating the applicant's intention to share space on the tower with other providers.

The proposed installation is designed to accommodate three carriers. T-Mobile has not submitted a statement indicating that it intends to share space with other carriers, but it plans to. This should be a condition of approval if the location is approved.

4. Copy of Lease - A copy of the lease between the applicant and the land owner containing the following provisions:

- a. The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.
- b. The landowner shall be responsible for the removal of the communications tower facility in the event that the leaseholder fails to remove it upon abandonment.

A copy of the lease agreement between T-Mobile and the Faith Evangelical Lutheran Church has been submitted with this application and it does not prohibit co-location. It does not however contain an abandonment clause.

5. Site Plan - A site plan prepared in accordance with Chapter 19.32 Site Plan Approval.

The site plan submitted generally includes all required information; however, there are some comments as follows:

- No landscape plan has been submitted with this application and because of its location adjacent to a tree lined channel on a parking lot; it does not appear that a landscape plan is needed. Landscaping may be needed for future carriers, but that will be handled through site plan approval.
- The height of the flagpole has been dimensioned, however, there has not been a dimension placed on the width of the base nor the width of the pole at its top. It appears from looking at the drawings and scaling that the base of the pole at the ground is approximately 48" in diameter and the top is about 24" in diameter.

- The plan needs to note that the brick veneer on the wall is to match the existing church building. Staff should review and approve the actual brick color before it is installed
- The site plan submitted would be adequate for T-Mobile; however, any new carriers would need to submit a site plan of their installation for review and approval by the Planning Commission, particularly relative to the design of the equipment compounds.
- Currently the parking lot sheet drains from north to south and exits the site at this location to drain into the ditch. The applicant needs to address how stormwater runoff will be handled when the equipment compound is built.
- The two future locations for carrier equipment compounds do not appear to be attached to the initial compound. All three compounds should be attached and ultimately appear as one structure when all three carriers are in place.
- The proposed 30' by 30' equipment compound seems to be larger than needed for the amount of equipment contained within it. The standby generator will require a larger compound but it appears to be somewhat excessive. The applicant should try to minimize the size of this facility to minimize the impact on the area. This is just the first of three carriers.

6. **Transmission Medium - Description of the transmission medium that will be used by the applicant to offer or to provide services and proof that applicant will meet all federal, state, and city regulations and laws, including but not limited to FCC regulations.**

The applicant has been allocated a radio frequency spectrum by FCC and is required to meet all state and federal regulations prior to obtaining a building permit from the City.

7. **Description of Services - Description of services that will be offered or provided by the applicant over its existing or proposed facilities including what services or facilities the applicant will offer or make available to the City and other public, educational and governmental institutions.**

T-Mobile is one of the nation's largest wireless service providers and this proposed installation will be part of their digital telephone network that will ultimately provide nationwide coverage. This particular installation is to provide adequate coverage to the local residents, and traveling public in this area. No special services are being offered or made available to the public.

8. **Relocated Items - Indication of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposed to temporarily or permanently remove or relocate.**

Existing asphalt will be removed and be replaced with a concrete pad and aggregate surfacing. No trees will be removed.

9. **Construction Schedule - Preliminary construction schedule including completion dates.**

T-Mobile anticipates beginning construction in the third or fourth quarter with it being in operation by the first of 2009.

- 10. Qualifications and Experience - Sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding communications or utility facilities and services described in the application.**

T-Mobile has many cell sites that have been installed throughout the metro area and has an approved "Radio Frequency Spectrum" from FCC. They have an existing site in Prairie Village at the Delmar Water Tower.

- 11. All Required Governmental Approvals - Information to establish the applicant has obtained all government approvals and permits to construct and operate communications facilities, including but not limited to approvals by the Kansas Corporation Commission.**

There is no information included with this application that indicates the existence of any other governmental approvals required, except the licensing of FCC. This tower is approximately 120 feet in height and is in location that would not require approval from FAA.

- 12. Miscellaneous - Any other relevant information requested by City staff.**
Staff did not request any additional information relevant to this application.

- 13. Copies of Co-Location Letters - Copies of letters sent to other wireless communication providers notifying them of the proposed request and inquiring of their interest to co-locate.**

No co-location letters have been received.

FINDINGS OF FACT:

The Planning Commission shall make findings of fact to support its recommendation to approve, conditionally approve or disapprove the Special Use Permit. In making its decision, consideration should be given to any of the following factors that are relevant to the request:

- 1. The proposed special use complies with all applicable provisions of these regulations including intensity use regulations, yard regulations, and use limitations.**

The location of the tower appears to meet all the setback requirements of the regulations. The compounds for T-Mobile and other carriers must be 25' from the rear property line. The proposed tower is to be 120 feet in height, which is less than the 150 foot maximum height set out in the City's policy.

- 2. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.**

A review of the plan submitted does not indicate that there will be any adverse effect on the welfare or convenience to the public. On the other hand, the installation of the tower should be a benefit to the community in that it would provide a necessary communication link for users in immediate neighborhood as well as the traveling public. Several e-mails from area residents have been submitted supporting the installation.

- 3. The proposed special use will not cause substantial injury to the value of other properties in the neighborhood in which it is to be located.**

The applicant held a meeting on February 12, 2008 in the Faith Evangelical Church in accordance to the Planning Commission Citizen Participation Policy, and approximately 14 residents appeared. Only one of the attendees was opposed to the project and the opposition was based on concerns with health affects and aesthetics. FCC regulations prohibit consideration of health related issues. The applicant also received a number of e-mails in support of the proposed tower. There undoubtedly will be testimony at the Public Hearing from neighboring residents that oppose the project. The Planning Commission will need to determine from that testimony whether or not the proposed cell tower will cause substantial injury to the value of adjacent property.

4. **The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to: (a) the location, size and nature of the height of building structures, walls and fences on the site; and (b) the nature and extent of landscaping and screening on the site.**

The Faith Evangelical Lutheran Church is on a site of approximately three acres. It also should be pointed out that the neighborhood is totally developed; the closest residence is approximately 130 feet away and therefore, not immediately adjacent to the installation itself. There is a significant amount of vegetation on the site that screens the facility from the south, but additional plant materials may need to be added as part of this application. Since this tower is proposed as a stealth tower, perhaps the applicant could integrate it more into the church complex rather than it be a stand alone facility. Consideration should be given to incorporating the tower into the church steeple.

5. **Off-street parking and loading areas will be provided with standards set forth in these regulations, and areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**

Additional off-street parking will not be necessary for this particular use because there will be no permanent staff on the site. Service people will be available on site periodically to maintain the equipment, and of course, when installation occurs. The existing church parking lot that is provided on the site will be adequate for this need.

6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided.**

Water, sewer and power services to this site should be adequate because there will be no permanent occupancy by people. There will be a need for a gas line if the standby generator is approved. It should be noted however that the area may or may not have additional impervious surface and that a storm drainage master plan should be prepared and submitted to Public Works for their review and approval. Also the proposed equipment compound is located in the natural drainage path of the parking lot and it will be necessary to address that in design.

7. **Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.**

Existing church parking lot will be used for access will be more than adequate to handle the traffic generated by this use.

8. **Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing process, obnoxious odors, or unnecessary intrusive noises.**

The proposed tower and equipment installation will not have any hazardous or toxic materials, obnoxious odors, or intrusive noises that will affect the general public.

9. **Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed structure is to be built or located.**

The architectural style and materials are typical of those used for utility type electrical poles and towers that are frequently found in urban neighborhoods. This tower will be a stealth pole which will have more of the appearance of a flagpole and no antennas will be visible from the exterior. The screening wall surrounding the equipment compound at the base of the tower will be brick and the brick will match the building on the site.

RECOMMENDATION:

After a review of the proposed application in relation to the nine factors previously outlined, the Planning Commission shall make findings of fact and may either recommend approval of the Special Use Permit with or without conditions, recommend denial, or continue it to another meeting. In granting this Special Use Permit, however, the Planning Commission may impose such conditions, safeguards, and restrictions upon the premises benefited by the approval of the Special Use Permit as may be necessary to reduce or mitigate any potentially injurious effect on other property in the neighborhood. If the Planning Commission recommends approval of the Special Use Permit to the City Council, it is suggested that the following conditions be included:

- 1) The initial approval of the Special Use Permit shall be for a maximum of five years. At the end of the five year period, the applicant shall resubmit the application to the Planning Commission and shall demonstrate to the satisfaction of the Planning Commission that a good faith effort has been made to cooperate with other providers to establish co-location at the tower site, that a need still exists for the tower and that all the conditions of approval have been met. The application may then be extended for an additional five years.
- 2) The stealth tower shall maintain a hot dipped galvanized finish.
- 3) The tower shall not be lit, but security lighting around the base of the tower may be installed provided that no light is directed toward an adjacent residential property.
- 4) The maximum height for this communication tower shall be 120 feet plus a lighting rod not exceeding four feet.

- 5) If the tower is not operated for a continuous period of six months it shall be considered abandoned and the owner of such tower shall remove the same within 90 days after receiving notice from the City. If the tower is not removed within that 90 day period, the governing body may order the tower removed and may authorize the removal of such tower at the owner's expense. The City may, at its option, claim the abandoned tower for its own use, instead of having it removed and the City may sell or lease the tower to other companies or use it for its own needs.
- 6) The plans for the tower shall be prepared and sealed by a structural engineer licensed in the State of Kansas. Construction observation shall be provided by the design engineer provided that said engineer is not an employee of the tower's owner. If the design engineer is an employee of the owner and independent engineer will be required to perform construction observation.
- 7) Adequate screening of the equipment cabinets located at the tower base shall be provided by an eight foot solid brick wall and said wall shall set back a minimum of 25 feet from the rear property line. The brick shall match the materials of existing church building. All equipment cabinets shall be adequately secured to prevent access by other than authorized personnel.
- 8) The walled compounds for the two future carriers should be attached to the initial compound so that it has the appearance of being one facility.
- 9) The applicant shall submit a drainage plan for review and approval of Public Works.
- 10) The applicant shall have a structural inspection of the tower performed by a licensed professional engineer prior to every five year renewal and submit it as a part of the renewal application.
- 11) Any permit granted which is found not to be in compliance with the terms of the Special Use Permit will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected if the Special Use Permit becomes null and void, the applicant will remove the towers and all appurtenances and restore the site to its original conditional.
- 12) Additional carriers will be required to submit a site plan for review and approval by the Planning Commission in accordance with Chapter 19.32 of the Zoning Ordinance.
- 13) The applicant shall submit copies of co-location letters.
- 14) Only one standby generator shall be approved for this complex. The generator shall be shared by the three carriers and shall be owned, operated and maintained by the same entity that owns the tower. The generator will be connected to a natural gas line. Staff will need to review the specifications for the proposed standby generator before it is installed to be sure that the noise created by it is minimized.
- 15) The applicant needs to review the layout of the equipment compound and determine if it can be reduced in size.
- 16) The applicant shall explore the possibility of integrating the tower and equipment compound into the church complex and incorporating the tower into the church steeple.

Chairman Ken Vaughn led the Commission through a discussion of the nine factors to be considered in making the findings of fact for the issuance of a Special Use Permit.

- 1) The Commission agreed with the findings as stated in the staff report for this factor.
- 2) The Commission expressed concern that the proposed Special Use at the specified location will adversely affect the welfare of the public and does not find in support of this finding.
- 3) The Commission felt the proposed Special Use would cause substantial injury to value of values of other properties in the neighborhood, particularly those located adjacent to the site. They noted the broader impact of residents choosing not to make investments in their property because of their perception of the negative impact on their property. The towers would adversely affect property in this area and the found this factor to be negative.
- 4) The Commission stated the location and size of the Special Use does dominate the neighborhood and found this factor to be negative.
- 5) The Commission agreed with the findings stated in the staff report.
- 6) The Commission agreed with the findings stated in the staff report.
- 7) The Commission agreed with the findings stated in the staff report.
- 8) The Commission agreed with the findings stated in the staff report.
- 9) The Commission felt the proposed Special Use was clearly not compatible with the architectural style of the neighborhood.

Randy Kronblad moved to recommend the City Council deny the request for a Special Use Permit for a communications tower at 4895 West 67th Street based on the negative findings of fact as previously stated and directed staff to prepare written documentation to be submitted to the City Council and applicant enumerating those findings. The motion was seconded by Marlene Nagel and passed unanimously.

Chairman Ken Vaughn called for a five minute recess.

Commissioner Bob Lindeblad returned to the meeting.

**PLANNING COMMISSION MINUTES
MEETING OF APRIL 1, 2008**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, April 1, 2008 in the Council Chamber, 7700 Mission Road. Vice-Chairman Bob Lindeblad called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Robb McKim, Marc Russell, Marlene Nagel & Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Pat Daniels, Council Liaison; Bob Pryzby, Director of Public Works; Dennis Enslinger, Assistant City Administrator; Chief of Police Wes Jordan, Jim Brown, City Building Official and Joyce Hagen Mundy, Planning Commission Secretary.

APPROVAL OF MINUTES

Nancy Vennard moved the Planning Commission minutes of March 4, 2008 be approved as written. The motion was seconded by Marlene Nagel and passed unanimously with Commissioners Robb McKim, Randy Kronblad & Marc Russell abstaining as they were absent from the meeting.

NON-PUBLIC HEARINGS

**PC2008-106 Request for Building Line Modification
Front Setback from 40 to 30 & Side setback from 30 to 15
4414 Homestead Drive**

Ron Williamson stated the applicant has requested this item be continued to the May 6th meeting of the Commission to allow them to prepare more detailed plans showing the specific building line modification being requested.

Marlene Nagel moved the Planning Commission continue PC2008-106 to the May 6th Planning Commission and directed the applicant to notify the surrounding residents of the change in meeting date. The motion was seconded by Randy Kronblad and passed unanimously.

PUBLIC HEARINGS

Bob Lindeblad stated he has a conflict of interest on application PC2008-02 as a member of the church on which the proposed tower is located. He stated he would therefore recuse himself from the meeting, requiring the selection of a temporary chairman for this application.

Marlene Nagel moved Randy Kronblad be selected as Chairman Pro Tem during the consideration of PC2008-02. The motion was seconded by Robb McKim and passed unanimously.

Bob Lindeblad left the meeting and Mr. Kronblad assumed the Chair.

**PC2008-02 Request for Special Use Permit for a
Telecommunications Tower & Related Equipment
4805 West 67th Street**

Jess Louk, with Selective Site Consultants, 8500 West 110th St., #300, addressed the Commission on behalf of T-Mobile. Mr. Louk stated a meeting was held on February 12th to present this application to the surrounding property owners. Approximately 60 letters were mailed out with 15 individuals attending the meeting. Only one resident expressed opposition to the project. An additional mailing was sent out after the meeting. Just prior to the March meeting of the Commission, the applicant learned of additional opposition to their proposal.

Mr. Louk stated among the concerns addressed was the impact on property values. They have hired an independent appraiser to conduct a study to address this concern and also want to have an additional neighborhood meeting. Therefore, they respectfully request this application be continued to the May 6th meeting of the Planning Commission to allow time to complete the study and meet with the neighbors.

Casey Housley, 4900 West 68th Street, addressed the Commission expressing his objection to the continuation stating this is the second continuation and will allow the cell company an unfair advantage in preparing its response and presentation. Mr. Housley noted the difficulty experienced by these continuations in coordinating and informing neighboring residents wanting to speak at the hearing. Mr. Housley stated he had not received any notice of the public hearing although he was not within the 200' required notice area. Based on his communications with the applicant, he believes the extra time is not in order to respond to community concerns but to strengthen their application and asked that the hearing be conducted as scheduled. Mr. Housley stated they are prepared to address the application.

Ron Williamson stated the first continuation was at the request of the Commission as it was not able to convene a quorum for consideration of the application. He noted if the continuance is granted, the applicant will be required to re-notify the property owners of the new hearing date.

Mary Cordill, 4904 West 68th Street, noted the neighborhood has known of this plan for only two and a half months, although the applicant stated they have been studying the site for three years. She stated the continuance places a tremendous burden on the residents to keep others informed and get them to meetings. She noted the initial neighborhood meeting was held on a snowy evening with only 4 direct neighbors attending.

Marlene Nagel stated she appreciated the concerns expressed; however, she has equal concerns for those who are not present because they were notified that a continuance was requested. She feels it would not be appropriate to hear the application at this time.

Nancy Vennard stated the Commission members were notified of the requested continuation and with the large agenda before them did not spend time studying and

reviewing the plans on this application and therefore they are not prepared to hear the application at this time.

Nancy Vennard moved application PC2008-02 be continued to the May 6th meeting of the Planning Commission and directed the applicant to notify applicable property owners of the changed hearing date. The motion was seconded Robb McKim seconded the motion which was voted on and passed by a vote of 5 to 0.

Marlene Nagel confirmed notification is required by first class mail.

Vice-Chairman Bob Lindeblad assumed the chair.

OTHER BUSINESS

Discussion of Policy on Office Complex Signs

Mr. Williamson stated at its regular meeting on March 4, 2008, the Planning Commission considered a policy or guidelines for applicants when approving Sign Standards for projects. This policy would address multi-tenant office buildings where sign standards are applicable, not stand alone single businesses. The proposed guidelines address issues faced by the Commission on façade signs and monument signs. The regulations allow the Commission to approve deviations to the sign regulations for sign standards and it has done so. However, the Commission felt guidelines as to the degree of variation from the regulations would be helpful to the applicants as well as provide a level of consistency.

Currently a façade sign is only allowed to a tenant with an exterior entrance. The proposed policy states: "One sign may be permitted per façade with no requirement that the tenant has direct outside entrance or that the sign be adjacent to its space".

Another request commonly received is for additional text on monument signs. Monument signs are currently limited to "the name and address of the building or business and may include an additional line of text that describes services". The proposed policy states: "That text not be restricted on monument signs provided the sign is designed and built primarily of brick, stone and masonry, complements the building and does not include a case or enclosed cabinet design."

Mr. Williamson noted additional guidelines can be added at the discretion of the Commission or these guidelines changed as they are being adopted as a policy.

Robb McKim asked what the rationale was for requiring the façade sign to be adjacent to the space occupied. Mr. Williamson stated this was an incremental enhancement made to the regulations to allow additional façade signage for multi-tenant buildings, yet to limit the amount by having to meet specific conditions. Prior to that change only one sign was allowed per building façade and it was for the primary tenant.

Bob Lindeblad stated the proposed guidelines are more in line with the sign regulations of neighboring cities based on Mr. Williamson's research. Randy Kronblad confirmed only one sign is allowed per façade. Nancy Vennard confirmed this applies to commercial office developments only, not retail buildings.



SELECTIVE SITE CONSULTANTS, INC.

A Site Acquisition, Engineering, and Construction Quality Assurance Company

January 31, 2008

VIA HAND DELIVERY

Joyce Hagen Mundy
City Clerk
Municipal Building
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Re: T-Mobile - Special Use Permit Application for wireless installation 4805 W. 67th Street, Prairie Village, KS, commonly known as Faith Evangelical Church

Dear Ms. Mundy:

Attached is a Special Use Permit application for a telecommunication installation, submitted on behalf of T-Mobile. We are submitting the application pursuant to Section 19.28.070(S) of the City's Zoning Regulations and the City's Wireless Facilities Policy, which is an advisory document for reviewing Special Use Permits for Telecommunication towers and antenna installations. Please find attached the following documents:

- 1) Prairie Village, KS Special Use Permit Application.
- 2) Conditional Use Permit Application fee of \$600.00.
- 3) Supplemental narrative/overview of the project.
- 4) Fourteen (14) sets of site plans.
- 5) Report regarding other potential sites within one-half mile of site proposed by T-Mobile, with attachments.
- 6) Propagation Study from T-Mobile RF Engineer documenting need for site.

This site was presented to staff in its current design and will allow the collocation of two more carriers.

With the filing of this application, we would like to be placed on the City's March 4, 2008 Planning Commission agenda. We will mail notices to surrounding property owners inviting them to the neighborhood meeting to be held on February 12, 2008, pursuant to City regulation.

Should you have any additional questions or if I can be of further assistance please do not hesitate to contact me.

Sincerely,



Justin Anderson

Attachments

SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC 2008-02
Filing Fees: \$100
Deposit: \$500
Date Advertised: 2/
Date Notices Sent: _____
Public Hearing Date: 8/4/08

APPLICANT: T-Mobile, represented by SSC, Inc PHONE: (913) 438-7700

ADDRESS: 8500 W. 110th Street, Suite 300, Overland Park, KS ZIP: 66210

OWNER: Faith Lutheran Evangelical Church PHONE: (913) 722-3515

ADDRESS: 4805 W. 67th Street ZIP: 66208

LOCATION OF PROPERTY: 4805 W. 67th Street

LEGAL DESCRIPTION: See Attached "Exhibit A"

ADJACENT LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Residential</u>	<u>R-1A</u>
South	<u>Residential</u>	<u>R-1A</u>
East	<u>Residential</u>	<u>R-1B</u>
West	<u>Residential</u>	<u>R-1A</u>

Present Use of Property: Faith Evangelical Lutheran Church

Proposed Use of Property: Existing Use and addition of 120' wireless tower

Please complete both pages of the form and return to:
Planning Commission Secretary
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Does the proposed special use meet the following standards? If yes, attach a separate Sheet explaining why. *See attached for items 1-6*

Yes No

1. Is deemed necessary for the public convenience at that location.
2. Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected.
3. Is found to be generally compatible with the neighborhood in which it is proposed.
4. Will comply with the height and area regulations of the district in which it is proposed.
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect.
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

Should this special use be valid only for a specific time period? Yes _____ No X _____

If Yes, what length of time? _____

SIGNATURE:  DATE: 1/31/2008

BY: Justin Anderson

TITLE: Site Acquisition Specialist

Attachments Required:

- Site plan showing existing and proposed structures on the property in questions, and adjacent property, off-street parking, driveways, and other information.
- Certified list of property owners

AFFIDAVIT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

Justin Anderson , being duly sworn upon his oath, disposes and states:

That he is the (owner) (attorney for) (agent of) the tract of land for which the application was filed. That in accordance with Section 19.28.025 of the Prairie Village Zoning Regulations, the applicant placed and maintained a sign, furnished by the City, on that tract of land. Said sign was a minimum of two feet above the ground line and within five feet of the street right-of-way line in a central position of the tract of land and had no visual obstruction thereto.

Agent of T-Mobile
(Owner/Attorney for/Agent of)

Subscribed and sworn to before me this 28th day of February, 2008.

MEGAN BROWN
Notary Public - State of Kansas
My Appt. Expires 7/6/08

Megan Brown
Notary Public or Planning Commission

Secretary

Justin Anderson, being duly sworn upon his oath, deposes and states:

1. I am the (owner of) (attorney for) (agent of) the property described in the attached notice upon which an application has been filed before the Planning Commission of the City of Prairie Village, Kansas.
2. On the 12th day of February, 2008, a public information meeting was held pursuant to the Citizen Participation Policy adopted on June 6, 2000, by the Planning Commission
3. On the 4th day of February, 2008, I did comply with notification requirements to landowners as stated Section 19.28.020, of the Prairie Village Zoning Regulations and notified in letter by certified mail all owners of land located within 200 feet of the described real property. Notice was mailed to the following:

Name

Address

see attached

I certify that the foregoing is true and correct.

Justin Anderson
Name

8500 W. 110th St. Suite 300
Address
Overland Park, Ks 66210



SELECTIVE SITE CONSULTANTS, INC.

A Site Acquisition, Engineering, and Construction Quality Assurance Company

TO: All property owners within 200' of 4805 W. 67th Street

There will be a neighborhood meeting at the Faith Evangelical Lutheran Church on the evening of February 12, 2008 at 7:00 p.m.

**Address: Faith Evangelical Lutheran Church
4805 W. 67th Street**

Where: Fellowship Hall, lower level, south entrance

**CITY OF PRAIRIE VILLAGE, KANSAS
NOTICE OF HEARING**

The Planning Commission of the City of Prairie Village, Kansas will hold a Public Hearing at their regular meeting on Tuesday, March 4th, at 7:00 p.m. in the Council Chamber of the Municipal Building, 7700 Mission Road, Prairie Village, Kansas. The subject of the Public Hearing is:

**APPLICATION PC 2002-07 - Request for a Special Use Permit for the
installation of a stealth wireless communications
facility at 4805 W. 67th Street.**

**Applicant: Justin Anderson, SSC, Inc.
Agent for T-Mobile
Zoning: R-1A**

Legal Description of Property

All of the part of the Southwest Quarter of Section 16, Township 12, Range 25 in Johnson County, Kansas, described as follows:

Beginning at the Northeast corner of said Southwest Quarter ; thence South along the East line of said Southwest Quarter a distance of 390 feet; thence South 90 Degrees West a distance of 275.54 feet; thence North parallel to the East line of said Southwest Quarter a distance of 153.27 feet; thence South 50 Degrees 10 Minutes 30 Seconds West a distance of 203.79 feet; thence North and parallel to the East line of said Southwest Quarter a distance of 335 feet to the North line of said Southwest Quarter; thence East along the North line of said Southwest Quarter a distance of 450.60 feet to the point of beginning.

If you have any questions regarding the location of the meeting place, please contact me. My number is (913) 438-7700.

Respectfully,



Justin Anderson
SSC, Inc.

A5D0114

CERTIFICATE

First American Title Kansas Agency, Inc. hereby certifies that, according to the Johnson County Department of Records and Tax Administration, the owner(s) of the below shown property(ies) (OF251216-2011) is: Faith Evangelical Lutheran Church, 4805 W 67th Street, Prairie Village, KS 66208. The ownership of the properties within 200 feet of the following legal description listed is correctly set forth attached hereto:


ALL OF THE PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 12, RANGE 25 IN JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 390 FEET; THENCE SOUTH 90 DEGREES WEST A DISTANCE OF 275.54 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 153.27 FEET; THENCE SOUTH 50 DEGREES 10 MINUTES 30 SECONDS WEST A DISTANCE OF 203.79 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 335 FEET TO THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 450.60 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART USED OR DEDICATED FOR STREETS, ROADS, OR HIGHWAYS.

This Certificate No. 944552 is made upon the mutual understanding that First American Title Kansas Agency, Inc. has not examined all instruments and proceedings in the chain of title to the ownerships attached hereto; that such certificate is not a guarantee of title and that First American Title Kansas Agency, Inc. shall not be liable for defects in the title to said described real estate.

Dated January 2, 2008 in Olathe, Kansas at 8:00 A.M.

First American Title Kansas Agency, Inc.

By 
Jeffrey Reese
Kansas Title Production Manager

1. PARCEL ID: OF251216-2012
OWNER: Harold D. Neptune, Trustee
Harold D. Neptune Trust
ADDRESS: 4722 W 68th Street
Prairie Village, KS 66208

2. PARCEL ID: OF251216-2013
OWNER: Christopher G. Wooldridge and Jane H. Wooldridge
ADDRESS: 4810 W 68th Street
Prairie Village, KS 66208

3. PARCEL ID: OF251216-2014
OWNER: Jay P. Julian
ADDRESS: 6740 Roe Avenue
Prairie Village, KS 66208

4. PARCEL ID: OF251216-2015
OWNER: John S. Faerber
Katherine N. Faerber
George L. Peterson
ADDRESS: 4806 W 68th Street
Prairie Village, KS 66208

5. PARCEL ID: OF251216-2016
OWNER: Aleta J. Cress
ADDRESS: c/o 13516 Spinning Wheel Drive
Germantown MD 20874-2821

6. PARCEL ID: OF251216-2023
OWNER: Margo Sack
Julie Bergmann
Ellyn K. B. Bigus
ADDRESS: c/o 8008 Floyd Street
Overland Park KS 66204

7. PARCEL ID: OF251216-2024
OWNER: Curtis R. Catenhauser
ADDRESS: 4821 W 67th Street
Prairie Village KS 66208
8. PARCEL ID: OF251216-2025
OWNER: Loredana B. Molteni, Trustee
Loredana B. Molteni Rev Trust
ADDRESS: c/o 4808 W 81st Street
Prairie Village KS 66208
9. PARCEL ID: OF251216-2031
OWNER: Michael A. Robinson and Gina M. Robinson
ADDRESS: 4820 W 68th Street
Prairie Village KS 66208
10. PARCEL ID: OP07500001 0009
OWNER: Ravi Dasari
ADDRESS: 4700 W 67th Street
Prairie Village KS 66208
11. PARCEL ID: OP07500001 0010
OWNER: Michael D. Dunn and Terri J. Dunn
ADDRESS: 4708 W 67th Street
Prairie Village KS 66208
12. PARCEL ID: OP07500001 0011
OWNER: Leo R. Goertz, Trustee
Leo R. Goertz Trust
ADDRESS: 4716 W 67th Street
Prairie Village KS 66208
13. PARCEL ID: OP07500001 0012
OWNER: Patrick H. Ink

ADDRESS: 4800 W 67th Street
Prairie Village KS 66208

14. PARCEL ID: OP07500001 0013

OWNER: William F. Tiernan and Bette B. Tiernan

ADDRESS: 4806 W 67th Street
Prairie Village KS 66208

15. PARCEL ID: OP07500001 0014

OWNER: Catherine Chrichton-Reed
Ronald L. Reed

ADDRESS: 4810 W 67th Street
Prairie Village KS 66208

16. PARCEL ID: OP07500001 0015

OWNER: Deborah Shouse, Trustee
Deborah Shouse Trust

ADDRESS: 6619 Hodges Drive
Prairie Village KS 66208

17. PARCEL ID: OP13000002 0014

OWNER: Carolyn E. Novinger

ADDRESS: 4608 W 67th Street
Prairie Village KS 66208

18. PARCEL ID: OP55000010 0018A

OWNER: Larry D. Kamin

ADDRESS: 6701 Roe Avenue
Prairie Village KS 66208

19. PARCEL ID: OP55000010 0018B

OWNER: Brian D. Egan and Jennifer L. Egan

ADDRESS: 6705 Roe Avenue
Prairie Village KS 66208

20. PARCEL ID: OP55000010 0019

OWNER: Mary Rogers

ADDRESS: 6711 Roe Avenue
Prairie Village KS 66208

21. PARCEL ID: OP55000010 0020

OWNER: Cynthia Anderson, Trustee
Cynthia Anderson Rev Trust

ADDRESS: c/o 6118 Reinhardt Drive
Fairway KS 66205

22. PARCEL ID: OP55000010 0021

OWNER: Karen L. Miller

ADDRESS: 6725 Roe Avenue
Prairie Village KS 66208

23. PARCEL ID: OP55000010 0022

OWNER: Christopher D. Gray

ADDRESS: 6731 Roe Avenue
Prairie Village KS 66208

24. PARCEL ID: OP55000010 0023

OWNER: Thompson Real Estate, LLC

ADDRESS: 6735 Roe Avenue
Prairie Village KS 66208

25. PARCEL ID: OP55000010 0024A

OWNER: Karen Rutherford

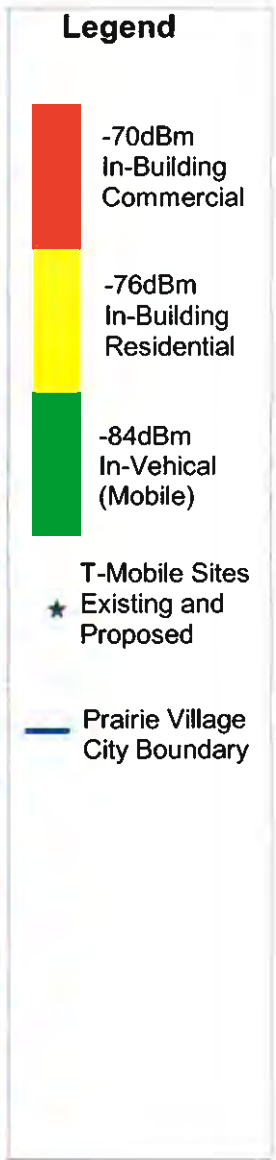
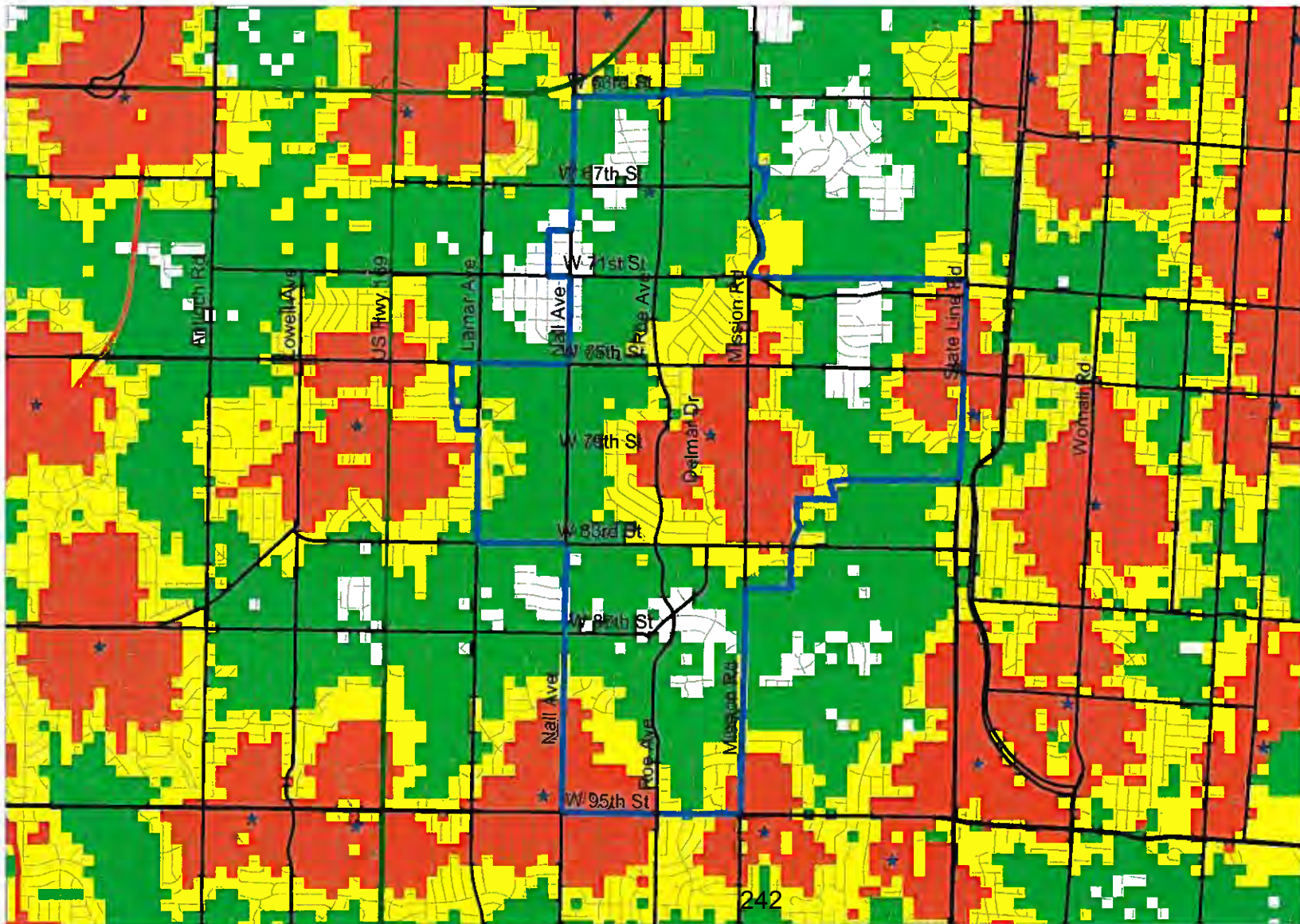
ADDRESS: 6739 Roe Avenue
Prairie Village, KS 66208

26. PARCEL ID: OP55000010 0024B

OWNER: Tina M. Brennan

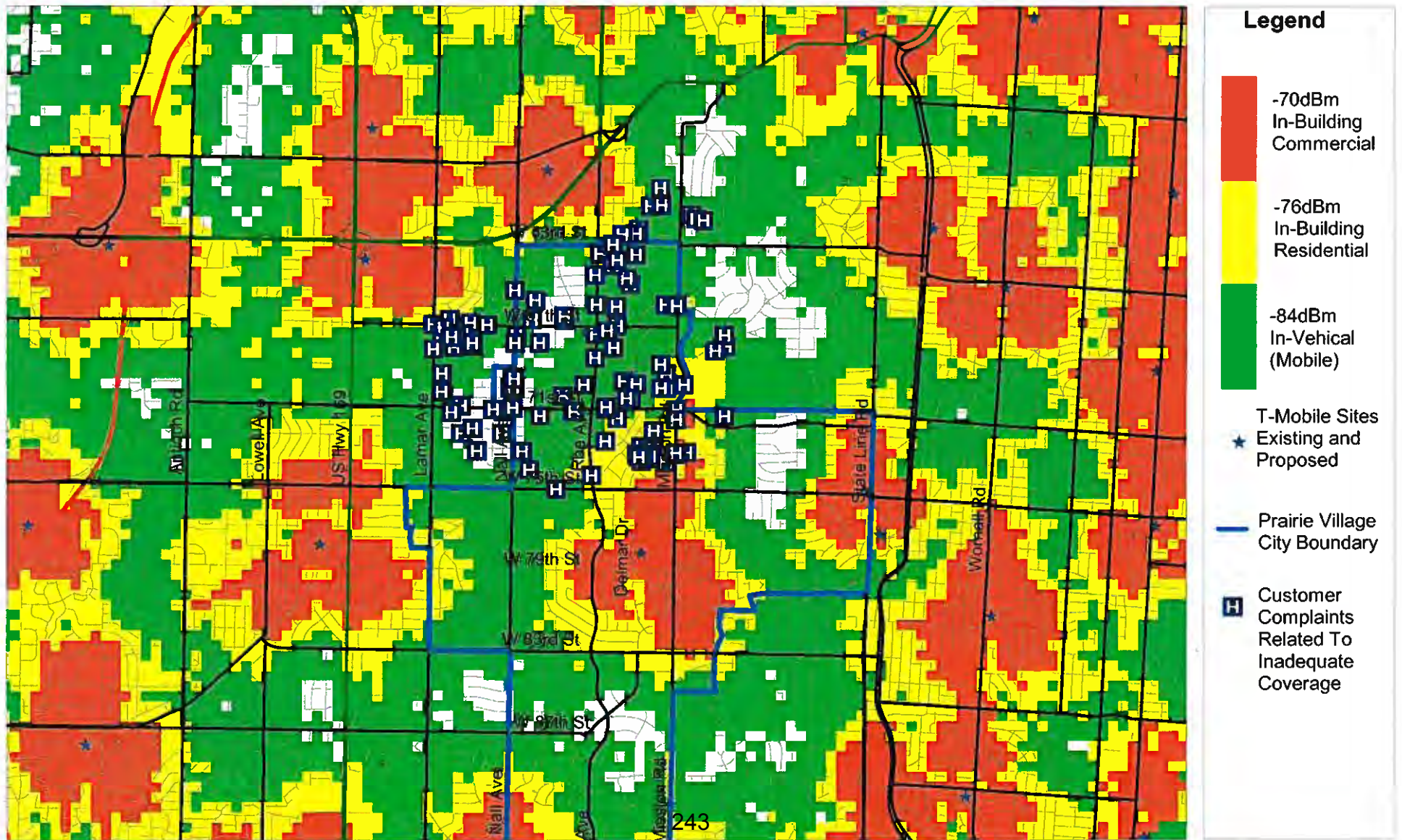
ADDRESS: c/o 12850 Pembroke Circle
Leawood KS 66209

**T-Mobile
Existing Coverage
Without Faith Evangelical Church Site (A5D0114)
67th & Roe, Prairie Village, KS**



T-Mobile

Customer Complaints Related to Inadequate Coverage 1 Mile Radius from Faith Evangelical Church Location



Elimination Map for A5D0114 67th & Nall

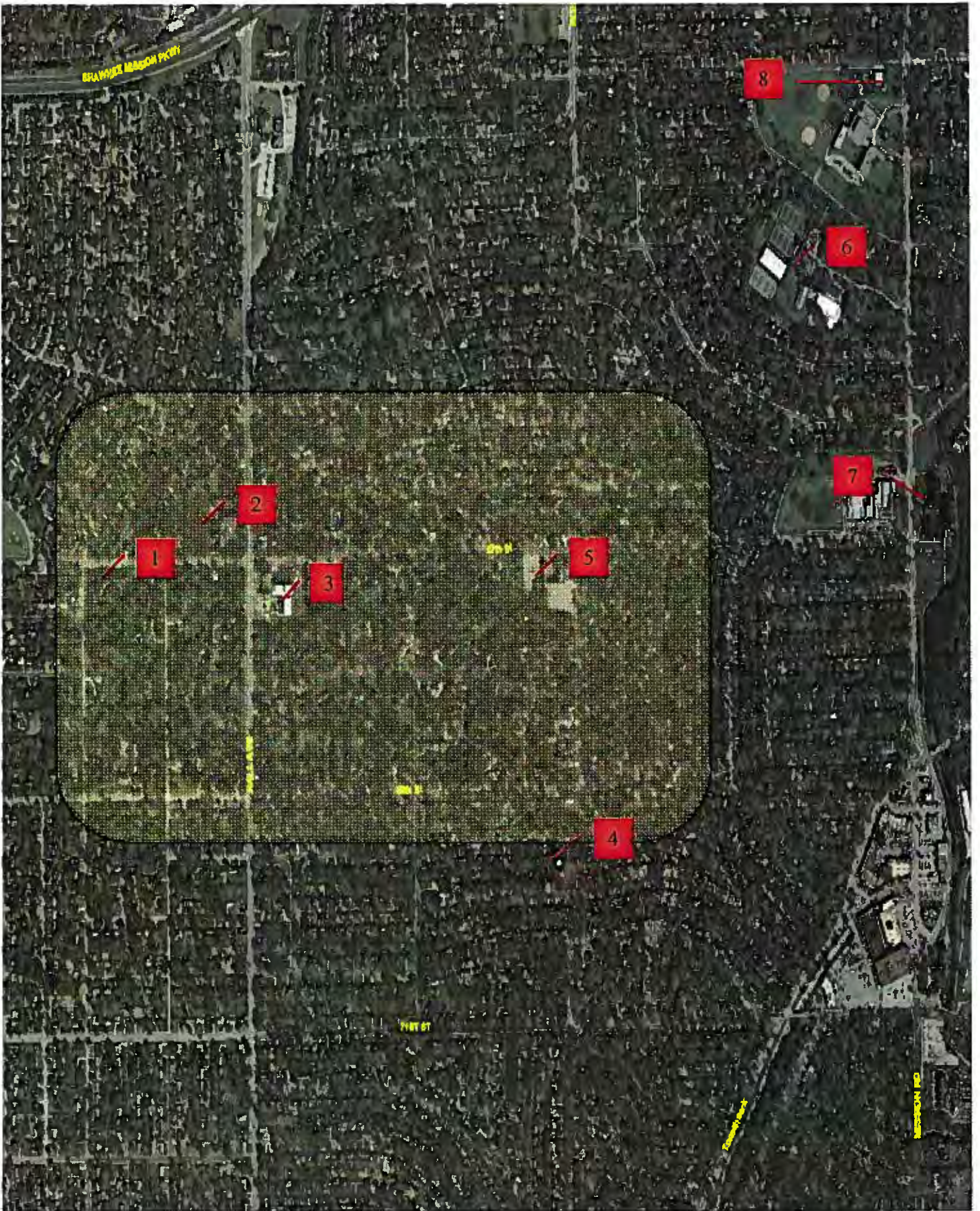
October 19, 2007

The attached map encompasses every property that has been approached and the RF issued search ring for this area of Prairie Village, KS. The entire search area is R-1 zoning with a mix of churches, single-family homes, and Homestead Country Club. None of the churches are over two stories, nor do they have steeples or bell towers that would be appropriate for a site without a great deal of renovation. Many of the candidates approached were not interested in a wireless site without massive rent compensation. Many of the potential sites also did not want to be associated with a controversial application on their property (churches and Homestead).

The following sites were identified as candidates to meet the coverage objectives of RF:

1. Woodson Avenue Bible Church (67th & Woodson) – After a year of meetings and an executable lease, the church decided not to sign; they cited their congregation as being a main factor and that they did not want to “deal with it anymore.” This lease was being delivered for execution when they called to rescind their offer.
2. St. Michaels & All Angels (67th & Nall) – Not interested
3. Nall Baptist Church (67th & Nall) – They were uncertain of their plans for development and wanted T-Mobile to assist in the cost of a new steeple; rent was above \$2000.
4. 69th & Roe PV Water Tank (69th Terr. & Roe) – This site is still being pursued; Prairie Village has to consent to Water One for ground equipment.
5. Faith Evangelical Church (67th & Roe) – The rent is \$2000 with 3% increase. The church receives \$200 per co-locator; the church will receive future ground leases. They are also receiving a one-time \$7,000 payment.
6. Homestead Country Club (Homestead & Mission) – Could not come to terms with the lease or site location, or design. The club has decided to end negotiations.
7. Village Presbyterian Church (67th & Mission) – Not interested
8. PV Fire Station #2 (63rd & Mission) – The lease is in negotiation; the rent has been agreed upon at \$2000 and 3% increases. There doesn't seem to be any major changes, but the site design / location has not been finalized.

*Shaded area represents T-Mobile coverage objective





SELECTIVE SITE CONSULTANTS, INC.

A Site Acquisition, Engineering, and Construction Quality Assurance Company

January 31, 2008

City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208
Attention: Mr. Ron Williamson

Re: Special Use Permit Application for 120' T-Mobile wireless site at Faith Evangelical Church located at 4805 W. 67th Street.

Dear Mr. Williamson,

Pursuant to the City of Prairie Village Wireless Communication guidelines, I write this letter to supplement the Special Use Permit application concurrently filed herewith on behalf of T-Mobile Central LLC d/b/a T-Mobile. In submitting these documents T-Mobile requests a permit to construct, operate and maintain a telecommunications tower facility at the above noted location. This letter and the back up documentation contained in this application packet is intended to assist you and the approval and permitting authorities in the City of Prairie Village in evaluating and approving this application. This letter will also deal with the updated history of wireless communication, how these systems work, their effect on the every day lives of the surrounding population / community, and to provide a general overview of this specific project, including the need for the site and its design parameters.

With the filing of this Special Use Permit application T-Mobile requests your support and a written determination that T-Mobile has met the criteria of the Planning Commission Policy for the Approval of Wireless Towers by City of Prairie Village.

Property Owners
Faith Evangelical Lutheran Church
4805 W. 67th Street
Prairie Village, KS 66208

Applicant
T-Mobile Communications d/b/a T-Mobile
12980 Foster, Suite 200
Overland Park, KS. 66213

Agents for Property Owner & Applicant
Justin Anderson
Jess Louk
Selective Site Consultants, Inc.
8500 W. 110th Street, Suite 300
Overland Park, KS 66210
(913) 438-7700 (Phone)
(913) 438-7777 (Facsimile)

I. General Information

The intense development of a nationwide system of wireless telecommunications service began in earnest in late 1995 with the Federal Communications Commission auction of portions of the radio spectrum for PCS (digital) service. Since 1995, the intent of the Telecommunications Act (see Appendix A.), which was to encourage competition in the communications marketplace, has intensified the demand for tower space. Subscriptions for wireless services have increased from a few thousand in 1985 to over 195 million by October of 2005 and 220 plus million today.

The demand for wireless service has gone far beyond personal convenience. Business and industry have become relatively dependent on wireless communications capabilities. Local emergency and disaster management agencies are making wireless communications an integral part of their systems. In fact, in the last year there were over 81 million E911 calls to these agencies. A high percentage of individuals had security and safety as an initial reason for becoming wireless subscribers.

The demand is unrelenting! Space needs for wireless internet access and location-based services are just beginning to be considered. This, and increasing competition along with the FCC's requirement for the carriers to provide service pursuant to the FCC licensing requirements within a reasonably short time frame, has led to the continued need and requests for siting telecommunications antennae and towers.

II. Technical Information

There are several "services" or technologies provided by the wireless telecommunication industry ranging from paging and wireless voice/message/data capable services. The 3G (3rd Generation) technologies have generated new wireless applications that are demanding additional tower space. The blending of wireless and fixed wire communications relationships that use your existing television cable connections to interact with the internet as well as voice and data functions has increased.

Cellular phone systems have been around for at least 20 years and were originally referred to as "car phone" systems. "Cellular" is based on analog interfacing equipment

and functions at a frequency band width of 800-900 MHz, - which is lower than PCS, but utilizes a higher wattage than the PCS technology.

PCS technology utilizes “broadband” technology in the range of 1,800 to 2,200 MHz of the radio spectrum at much lower wattage requirements using digital interfacing equipment. This provides a higher quality transmission with greater voice clarity than is currently available through existing (analog) cellular technology.

As to how a system evolves, a wireless antenna system is divided into relatively small geographic cells. The size of each cell will vary depending upon demographics, terrain, elevation, ground clutter, foliage, existing and projected customer demand, antenna limitations, transmission power requirements, and the signal, bandwidth, and switching technology used by the individual wireless vendor. All of the technologies involved are governed by line of sight limitations and wireless phones generally need to “see” a compatible wireless communications facility for operation of customer phones, transmission, and reception. Because of this limitation, a Base Transceiver Station (BTS) with antenna is located at the center of each cell. Basically, the BTS is a network component that provides the connection between a user’s mobile handset and either another mobile handset or the “standard” wired network system.

Radio Frequency Engineers will use prediction tools to generate propagation studies in order to determine how effectively a proposed cell site will provide the required coverage. Radio Frequency Engineers with T-Mobile have generated a comprehensive Propagation Study that depicts the current lack of coverage in the area and which shows the coverage after implementation of the proposed tower. That study accompanies this application.

When a T-Mobile Radio Frequency Engineer starts a new system, a system improvement, or system expansion design process they work with an inventory of existing T-Mobile antennae locations as they relate to existing foreign (competitive) towers and structures on which they may collocate antenna. This becomes the foundation for the grid or geographic distribution of cell centers. From that point, using the above mentioned computerized mapping and design technology, the grid or cell system is expanded. The center of each cell now becomes a relative location for a future tower / antenna site. When new tower sites are required, a location is chosen after a “Search Ring” is developed and issued by T-Mobile’s Radio Frequency Engineers. The Search Ring indicates a geographic area in which potential sites may be located which will result in the maximum amount of coverage in an impaired service area. These search rings are issued to site acquisition personnel who are assigned the task of locating property owners receptive to a tower being located on their property.

Site Acquisition Contractors, like Selective Site Consultants, Inc., are instructed by T-Mobile’s management to target existing sites (rooftops, towers, and any existing structures) to collocate equipment on within the Search Ring first, in order to minimize new construction, expedite improved coverage, and to meet the spirit and intent of local zoning regulations, which typically encourage collocation.

When the site acquisition team does make contact with property owners within the search ring they are looking for a site that is:

- Has a willing landlord (owner)
- Presents reasonable construction costs
- Creates minimum impact
- Avoids environmental issues
- Avoids historical sites
- Does not encroach on FAA air space
- Has potential for additional wireless providers
- Has potential for zoning and permitting within the jurisdiction

The above considerations and processes were followed in selecting the site that is the subject of this Special Use Permit application.

III. Specific Site Information

The subject property is located on the southwest corner 67th Street and Roe Avenue. The property has a large parking lot that allows the site to be placed at a distance from the right-of-way. There is residential development to the north and east, west and south of the site.

T-Mobile proposes to lease a 28'x 30' area on the south side of the western parking lot (See included site plans) to construct, operate, and maintain a 120 feet, multi-carrier stealth monopole type tower. This structure will be contained within a ground based equipment compound surrounded by an eight foot (8') brick enclosure. Only power and telephone service will be required at the site. The site will be unmanned and the traffic following construction will be for routine operational maintenance.

The site, when completed, will become part of T-Mobile's network that will provide coverage to the impaired service area in the City of Prairie Village, depicted by T-Mobile's Radio Frequency Engineer's Report contained herein.

IV. Specific Site Justification

T-Mobile Radio Frequency Engineers determined the need for improved coverage for this area of the City of Prairie Village. The primary communication objective of T-Mobile in placing a facility at this location is to provide adequate coverage to the residential area including, but not limited to the intersection of 67th Street and Roe as well as the blocks surrounding this area. The coverage will also help to provide the increasing vehicular traffic traveling along these same streets (see RF propagations studies contained hereinafter). This geographic area is an existing problem for T-Mobile's network. Wireless carriers are constantly expanding and improving their networks in order to keep their competitive edge. When a carrier begins receiving complaints from its customer base, whether it be "dropped calls", interference, lack of voice quality, a gap

in the seamless coverage required of E911 transmissions, to name a few, they respond. This problem area prevents T-Mobile customers from initiating and carrying calls. After placement of this facility, coverage will be substantially improved, resulting in better coverage for current and future T-Mobile subscribers in the area. This is discussed in the Radio Frequency Engineer's memo and shown in the propagation studies of the area, which are included herewith.

This facility will improve impaired service in the area. The Federal Communications Commission ("FCC") restricts the power output on all telecommunications antennae, requiring additional sites to fill in gaps in the network. While T-Mobile endeavors to collocate on existing structures wherever possible, the need for improved coverage in this area of the City of Prairie Village will require a new wireless communications facility to be built. There is no other possible way to cover this area without building a new tower. T-Mobile consistently seeks to increase or supplement their coverage footprint so that they may serve their growing customer base. Due to the present and anticipated growth of cell phone use, complaints from existing T-Mobile customers losing their signal while trying to make calls from their homes, where they are shopping, working, or driving in the area, and the existing coverage gap necessitate the additional coverage that will be provided by this new site.

V. Compliance with the Prairie Village Zoning Code for Special Uses

This application packet is designed to meet the intent of the wireless communications guidelines set forth by the Planning Commission and City staff. Because the site is a new tower, a Special Use Permit is required in order to place the tower on the subject property.

This application complies with the standards of the Guidelines in all respects. No advertising will be allowed at the site and the only signs will be for site identification purposes and safety notices required by the FCC, these will be located on the entrance gate to the compound. This will be a permanent facility.

The equipment compound will be surrounded by an eight foot (8') brick enclosure. There will be no strobe lighting on the tower. The tower will be galvanized at the factory. Following construction there will be minimum vehicular traffic consisting of a technician coming to the site to perform operational maintenance. The site will use no water, sewer, waste disposal, or similar public services.

VI. Impact on Health, Safety, Morals, and General Welfare

A basis for public gain on each preceding factor is considerable. The following refers to both the immediate proposed site area and the entire City as well.

Health – The proposed tower and the future antennae to be placed thereon will meet or exceed all federal technical health and safety requirements and in addition will function at a miniscule fraction or allowable power levels set by the FCC.

Safety – The closest residential structure is a distance over the height of the tower from the proposed tower. The tower style has been specifically proposed to insure that even if the tower began to fail, which is unlikely, the tower would snap and fall under the stress of angle in an area less than half of its height.

A reoccurring national and worldwide experience with auto/rail or air accidents, fires, human mayhem and natural disasters have focused in on the utility of and reliance on wireless communications as a key tool in managing such emergencies. Approximately 225,000 or around 1.2% of all phone subscribers make “9-1-1” and distress calls on a daily basis. As Federal requirements for E911 technology takes hold this number may increase and response become even more effective. Improved wireless coverage improves the level of the community’s safety.

Morals, Order – Since the tower provides a quiet ambience - with very little human activity generated after construction - there will be absolutely no impact on moral or order issues.

Welfare - The immediate neighborhood, the City, the County, and the State will enhance its welfare or well being as an accumulation of all the benefits noted below. There is absolutely no basis for assuming a reduction of such welfare.

- Convenience – One of the most profound and basic tenants of the wireless telecommunications technology and service is convenience. The fact that any person can have voice, data and industry access to any part of the world regardless of where they are – whether on a tractor, at the lake or behind a desk is convenient. The burgeoning new applications – including GPS capabilities - for wireless technology go well beyond the simple task of calling someone on the phone.
- Prosperity – The business world is beginning to demand a wider range of vendor options when it comes to wireless telecommunications before they commit to business locations. Future business development or expansions are becoming increasingly dependent on this technology.
- While the initial market thrust for antenna sites in the U.S. was to the public traveling along the primary highway corridors, the current system development is much more to the local business and household population.
- The demand and usage of the traditional homebound “hardwired” phones system is declining significantly.

- With the growing technical merging with the computer/internet world, full access to a wide range of the wireless providers can provide a broadened economic basis for attracting additional industry and business enterprises that demand the high tech capabilities found in wireless telecommunications. This is a major economic asset to the City of Prairie Village.

I hope that by supplying you with this comprehensive overview of the project that you will agree to the need for this facility and that you will be able to support our Application to provide wireless telecommunications services to the citizens of your City.

Please contact me if you have any questions or if additional information is required.
Thank you very much.

Sincerely,

Justin Anderson
Site Acquisition Specialist
Selective Site Consultants, Inc.
Agent on behalf of T-Mobile

AFFIDAVIT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

I, Garth Adcock, being of lawful age and duly sworn upon oath, depose and state as follows:

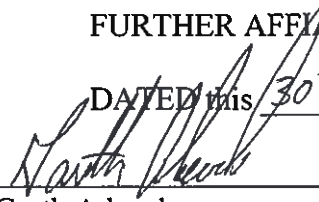
1. I am the Real Estate and Zoning Manager for T-Mobile Central LLC d/b/a T-Mobile in the Kansas and Missouri markets (“T-Mobile”).
2. This Affidavit is intended to support and will accompany an Application for Special Use permit to be filed in the City of Prairie Village, Kansas, to construct, operate, and maintain a telecommunications tower facility consisting of a 120 feet, multi-carrier tower and will be surrounded by a brick enclosure compound which will provide adequate landscaping.
3. This Affidavit is submitted for the purpose of complying with the provisions of the City of Prairie Village Policy of Wireless Communications Towers, as adopted on December 12, 1996 which governs Wireless Communication Towers and Antennas.
4. T-Mobile affirms that the tower will meet or exceed any requirements or standards of the Federal Aviation Administration (“FAA”), the Federal Communications Commission (“FCC”), and the Electronic Industries Alliance (“EIA”), as well as all other federal, state, and local laws and regulations applicable to the telecommunications industry. T-Mobile will also assure that the telecommunications facility will comply with all applicable state and local building and electrical codes.
5. T-Mobile is federally licensed by the FCC to operate a wireless telecommunications network in this market within our specifically assigned bandwidths (see attached FCC license). These bandwidths are strictly enforced by the FCC and T-Mobile has no intention to operate this telecommunications facility in a manner that would in any way cause destructive interference to previously established public safety communications systems.
6. No strobe lighting will be placed on the tower unless specifically required by the FAA, but lighting placed on the tower shall meet minimum requirements imposed by the FAA. Security lighting for the equipment compound, if necessary, will be down shielded to keep light within the boundaries of the facility.

7. The Facility is surrounded by a brick compound and a locked gate. Outside the compound the area is landscaped and maintained with a buffer of plant materials that effectively screens the ground based equipment from adjacent properties year round. Existing vegetation and natural landforms will continue to be preserved to the maximum extent possible.

8. The above and foregoing statements are based on my personal knowledge and belief and I reasonably believe said statements to be accurate and true.

FURTHER AFFIANT SAITH NOT.


DATED this 30TH day of October, 2007.



Garth Adcock
Real Estate and Zoning Manager
T-Mobile Central LLC d/b/a T-Mobile

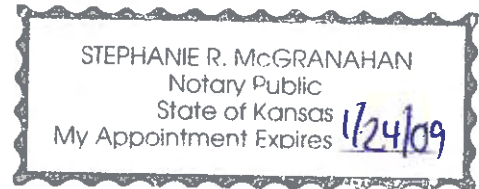
STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

Subscribed and sworn to before me on this 30th day of October, 2007, by
Garth Adcock.



Notary Public
My commission expires 1/24/09

(SEAL)



Joyce Hagen Mundy

From: Justin Anderson [justin.anderson@selectivesite.com]
Sent: Wednesday, February 20, 2008 12:53 PM
To: rwilliamson@bwrcorp.com; Joyce Hagen Mundy
Cc: Al Herrera; Bill Griffith
Subject: T-Mobile Neighborhood Meeting Summary
Attachments: A5D0114 Customer emails.pdf; Faith Evangelical sign in sheet.pdf; A5D0114 V1 copy.jpg; A5D0114 V2 copy.jpg

On February 12, 2008 T-Mobile and SSC on behalf of T-Mobile held a neighborhood meeting at 4805 W. 67th Street, commonly known as Faith Evangelical Church (location of proposed T-Mobile site). There were over 14 people in attendance, including Ward 1 Councilman Al Herrera. There was overwhelming support for the site with only one neighbor in opposition. The meeting lasted for a little more than one hour (7:00p.m. - 8:15p.m.).

The neighbor in opposition was concerned with health affects and aesthetics. We listed every property that has been approached and why it was abandoned. Luke Willenbring (Senior Radio Frequency Engineer) and Garth Adcock (Real Estate & Zoning Manager) for T-Mobile provided great information on resources regarding any health questions.

The neighbors were informed that more exhibits would be presented to the public and Planning Commission at the upcoming March 4th Planning Commission Meeting. Attached to this email is a copy of the sign in sheet, subscriber emails, and two views of the photo simulation.

Please contact me if you have any questions regarding this meeting or the proposed T-Mobile project as a whole.

Respectfully submitted,

Justin Anderson
Selective Site Consultants
8500 West 110th St. Suite 300
Overland Park, KS 66210
Phone: 913.438.7700
Fax: 913.438.7777
Email: justin.anderson@selectivesite.com

Name (Print / Signature)	Address / Phone #	Comments	Support	Indifferent	Opposed
Al Herrera	4113 W 67 ST				
Jon Harding	5114 W. 73rd St	Thank you for coming.	✓		
MIKE DUBOW	4709 W. 67 th St		✓		
GRACE & SCOTT SAMUELSEN	3411 W. 73RD TERR		✓		
FRED GREENWALD	5219 W 66 th TERL PV KS		✓		
Bette Tieman	4806 W 67 ST PV		✓		
Rick Montgomery	7211 Cherokee		✓		
Don Hansen	7829 LAMAR		✓		
Chris Wouldridge	4810 W 68 ST				
Bob Wilson	262-7764 5212 W. 63rd Terr.	Thanks for the information	✓		
Kate Faerber	4806 W 68 th	913 262-7664			
Pat Ink	4800 W 67 th				
Blaine England	14100 W 90 th Terr Lenexa		✓		
John Oman	5100 W. 67 th P.V. KS	I am a T-Mobile user.	✓		

Adcock, Garth

From: Dan Cloughley [Dcloughley2@kc.rr.com]
Sent: Tuesday, January 29, 2008 10:28 AM
To: Adcock, Garth
Subject: Prairie Village Cell Tower

I support the T-Mobile proposed cell site at Faith Lutheran Church.

Dan Cloughley
5206 W. 70th Terr
Prairie Village, Ks. 66208
913-236-7972

2/4/2008

Adcock, Garth

From: Lois Scanlon-Geffert [lsgeff@swbell.net]
Sent: Sunday, January 27, 2008 2:46 PM
To: Adcock, Garth
Subject: Improvements in Prairie Village, Kansas

Dear Mr. Adcock:

As a resident of Prairie Village, Kansas and a T-Mobile user, I am all for the proposed new cell site at Faith Lutheran Church.

It is often difficult to carry on conversations with my family in Connecticut and Fort Bragg, California. Right here in Prairie Village, KS it is hard to talk with my daughter in Kansas City, MO especially if I am traveling:

- east on 67th street between Quivera Road and Neiman Road
- south on Neiman between 67th street and 75th street
- south on Nall between 75th and 83rd

Sincerely,

Lois A. Scanlon-Geffert
2805 West 73rd Street
Prairie Village, KS
913-708-5640

Adcock, Garth

From: - [mflkz@sbcglobal.net]
Sent: Monday, January 21, 2008 5:11 PM
To: Adcock, Garth
Subject: proposed cell site

Dear Mr. Adcock,

Just a quick note to let you know I support the proposed cell site at Faith Lutheran Church in Prairie Village. It looks like an out-of-the way location and I can tell a lot of thought went into choosing this location and the design of the tower itself.

Carol Myers

Adcock, Garth

From: jbarnett@kc.rr.com
Sent: Sunday, January 20, 2008 8:33 AM
To: Adcock, Garth
Subject: proposed cell site

Mr. Adcock.

I support the proposed cell site at 4805 West 67th Street in Prairie Village at Faith Lutheran Church. I have had T-Mobile service for three years and I would like to see the coverage area improved. I currently do not have service inside my own home. I have to go outside to use my cell phone. I would like to see that change. Please let local officials know that Prairie Village residents support the new cell site. Thank you.

Sincerely,
Jill Barnett

Adcock, Garth

From: jane corley [corleyja@hotmail.com]

Sent: Saturday, January 19, 2008 9:32 PM

To: Adcock, Garth

We desperately need better cell service at our home on 68 Street! The proposed cell tower at Faith Lutheran Church will provide this service. Please approve this measure for the good of the neighborhood!! Jane Corley

Adcock, Garth

From: Jill Wilder [jwilder@lagarde.com]
Sent: Saturday, January 19, 2008 11:36 AM
To: Adcock, Garth
Subject: Prairie Village cell site

Garth,

As a Prairie Village resident and a long time T-Mobile customer, I'm in favor of a cell site at Faith Lutheran Church.

I continue to be very happy with my T-Mobile service. Thank you for all your hard work.

Jill Wilder
7100 Mission Road
Prairie Village, KS 66208
913.963.2344

Jill Wilder
Marketing Manager
Office: (913) 489.0818
Fax: (913) 489.0833
Toll Free (800) 943.5823
jwilder@lagarde.com
E-business software and solutions

 **LAGARDE**
25055 West Valley Pkwy
Olathe, KS 66061
www.lagarde.com

Adcock, Garth

From: Kathleen Leighton [kaleighton2001@yahoo.com]
Sent: Saturday, January 19, 2008 10:40 AM
To: Adcock, Garth
Subject: Cell Site

Garth-

I fully support a new cell site for T Mobile in Prairie Village at Faith Lutheran Church. I want better cell service at home-

Thanks

Kathleen Collison

Kathleen Leighton
Leighton Communications
Prairie Village KS 66208
913-262-7157

Looking for last minute shopping deals? [Find them fast with Yahoo! Search.](#)

To: City Planning Commission
Prairie Village

From: Sharon Hunzeker

Re: 120 ft cell tower at Faith Lutheran Church

Date: 3/3/2008

I am writing because I received a notice against the above cell tower.

I AM VERY MUCH FOR THE CELL TOWER. Let me tell you why:

I was shocked when I moved here 5 years ago to find that cell phone service does not work in my neighborhood. My neighbors have to step outside to use their cell phones, no matter what the weather, (my service doesn't even work then). When there are power outages, I am unable to communicate with the outside world. I've found this to be true with all services.

I feel we should have a tower somewhere in the area so that we can join the 21st Century and be able to use cell phones in our homes!

The Faith Lutheran location would be a good one. There are mature trees and very large lots around this area so any impact would be minimal for the 3 or 4 homeowners who would be "affected".

As far as the aesthetics of the tower is concerned, what is the difference between it and the water tower? Both are necessary.

I urge the committee to vote for the tower.

Thank you for considering my opinion,

Sharon Hunzeker
6730 Granada Ln.
Prairie Village, KS 66208
913-384-5134

Joyce Hagen Mundy

From: Quinn Bennion
Sent: Tuesday, March 04, 2008 8:03 AM
To: Joyce Hagen Mundy
Subject: FW: Please forward this to the planning commission : Special Use Permit Application PC 2002-07

Joyce, I received this email last night. Please copy and place at the dais for the Planning Commission members. Thanks.

From: Kevin and Brigitte Gravino [mailto:KGRAVINO@KC.RR.COM]
Sent: Monday, March 03, 2008 6:50 PM
To: 'mayor@pvkansas.com'; 'aherrera@pvkansas.com'; 'bgriffith@pvkansas.com'; 'dvoysey@pvkansas.com'; 'rhopkins@pvkansas.com'; 'mkelly@pvkansas.com'; 'awang@pvkansas.com'; 'lwassmer@pvkansas.com'; 'pdaniels@pvkansas.com'; 'nwallerstein@pvkansas.com'; 'cclark@pvkansas.com'; 'dbelz@pvkansas.com'; 'desharp@pvkansas.com'
Cc: 'chousley@armstrongteasdale.com'; 'christopher.redmond@husch.com'; 'cwooldridge@kc.rr.com'; 'sambrewster@kc.rr.com'; 'cwhite43@kc.rr.com'; 'sro6801@sbcglobal.net'; 'janeferber@hotmail.com'; 'junecleaver@kc.rr.com'; 'kfaerber@kc.rr.com'; 'doug.flora@hwins.com'; 'KFLORA@kc.rr.com'; 'randy.b.cordill@sprint.com'; 'lucy@tidwellcompany.com'; 'Mary Cordill'
Subject: Special Use Permit Application PC 2002-07 is not good for our neighborhood or Prairie Village

Dear Mayor and City Council Members,

I have lived at 4909 West 67th Street, Prairie Village for 19 years – just 5 houses away from the Faith Lutheran Church at 67th and Roe. It was brought to my attention that a special use permit is under consideration for the installation of a stealth wireless communications facility at 4805 West 67th street. This permit is formally known as Application PC 2002-07.

I am very much against the approval of such permit. I don't understand how a facility of this nature could be allowed to be built in a residential zoned neighborhood. I don't want this facility in **my neighborhood** or **in yours**. The installation of this facility will not increase our property values – it will surely decrease them. Our neighborhood has nothing to gain from this structure. Who wants to see a towering hot dipped galvanized 120 foot antenna towering over the trees and roofs of their homes? Furthermore, I don't understand how our city does not have an ordinance regarding the installation of this and similar facilities in residential-zoned neighborhoods.

I urge you to reject Special Use Permit Application PC 2002-07 for a stealth wireless communications facility at 4805 West 67. I also urge the city government to develop an ordinance to direct the construction of future facilities.

Sincerely,

Kevin and Brigitte Gravino



 T-Mobile
Site: ASDD014
87th & Mad
Prairie Village, Kansas
 SELECTIVE SITE CONSULTANTS, INC.
1000 Independence Blvd., Suite 100, Kansas City, MO 64109
816.452.1234

AFFIDAVIT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

I, Garth Adcock, being of lawful age and duly sworn upon oath, depose and state as follows:

1. I am the Real Estate and Zoning Manager for T-Mobile Central LLC d/b/a T-Mobile in the Kansas and Missouri markets (“T-Mobile”).
2. This Affidavit is intended to support and will accompany an Application for Special Use permit to be filed in the City of Prairie Village, Kansas, to construct, operate, and maintain a telecommunications tower facility consisting of a **120** feet, multi-carrier, tower surrounded by a brick enclosure compound which will be surrounded by landscaping. T-Mobile will occupy the top location on the tower
3. This Affidavit is submitted for the purpose of complying with the provisions of City of Prairie Village Policy for the Approval of Wireless Communications Towers, as adopted on December 10, 1996.
4. T-Mobile adheres to a policy of collocation on all of its facilities where feasible and in the instant case feels that by providing a monopole tower of sufficient height and strength to accommodate multiple carriers. T-Mobile asserts that it will accommodate future users with available space on the tower and in the compound at reasonable, market-based costs.
5. T-Mobile has been informed and also understands that as the owner of the tower, antenna, and ground based equipment, we are primarily responsible to see that upon abandonment of the site, if other carriers are not still present, for a period of six (6) consecutive months, that within ninety (90) days of that occurrence that the site will be restored to its original or an improved condition and, where appropriate, re-vegetate to blend with the surrounding area.
6. T-Mobile accepts that responsibility and as evidence thereof agrees, that if requested, to post a Performance Bond with the City of Prairie Village, Kansas, in a form and amount requested by the City, to insure that if removal and /or site restoration are not completed, the City will be authorized to complete the removal and site restoration and charge the cost to the Performance Bond.

FURTHER AFFIANT SAITH NOT.

DATED this 30th day of October, 2007.

Garth Adcock
Garth Adcock
Real Estate and Zoning Manager
T-Mobile Central LLC d/b/a T-Mobile

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

Subscribed and sworn to before me on this 30th day of October, 2007, by

Garth Adcock.

Stephanie R. McGranahan

Notary Public
My commission expires 1/24/09

(SEAL)



Ronald A Williamson

From: Kathy Migneron [kmigneron@gmail.com]
Sent: Wednesday, March 26, 2008 11:49 AM
To: Ronald A Williamson
Cc: Migneron, William C.
Subject: cell phone towers

Good morning!

Just read the article in today's Star regarding cell phone towers in Prairie Village. My husband and I just moved back here from Minneapolis and we seem to be in a technological black hole on our block. Our cell phones are pretty much useless unless we go outside and turn to the north about three degrees, then cross our fingers...

Since you are probably getting lots of comments against cell phone towers in the area, I thought you should hear from the other side as well. We would welcome towers in PV and believe that they can be installed in an aesthetically acceptable way.

Thanks for your time and your service to the community.

Kathy and Bill Migneron
2911 W. 67th Street
Mission Hills, Kansas 66208
913 362-0632



••Mobile•

Site: A5D0114
67th & Nall
Overland Park Kansas, 66204

SELECTIVE SITE CONSULTANTS, INC.

A Site Specific Engineering and Construction Company

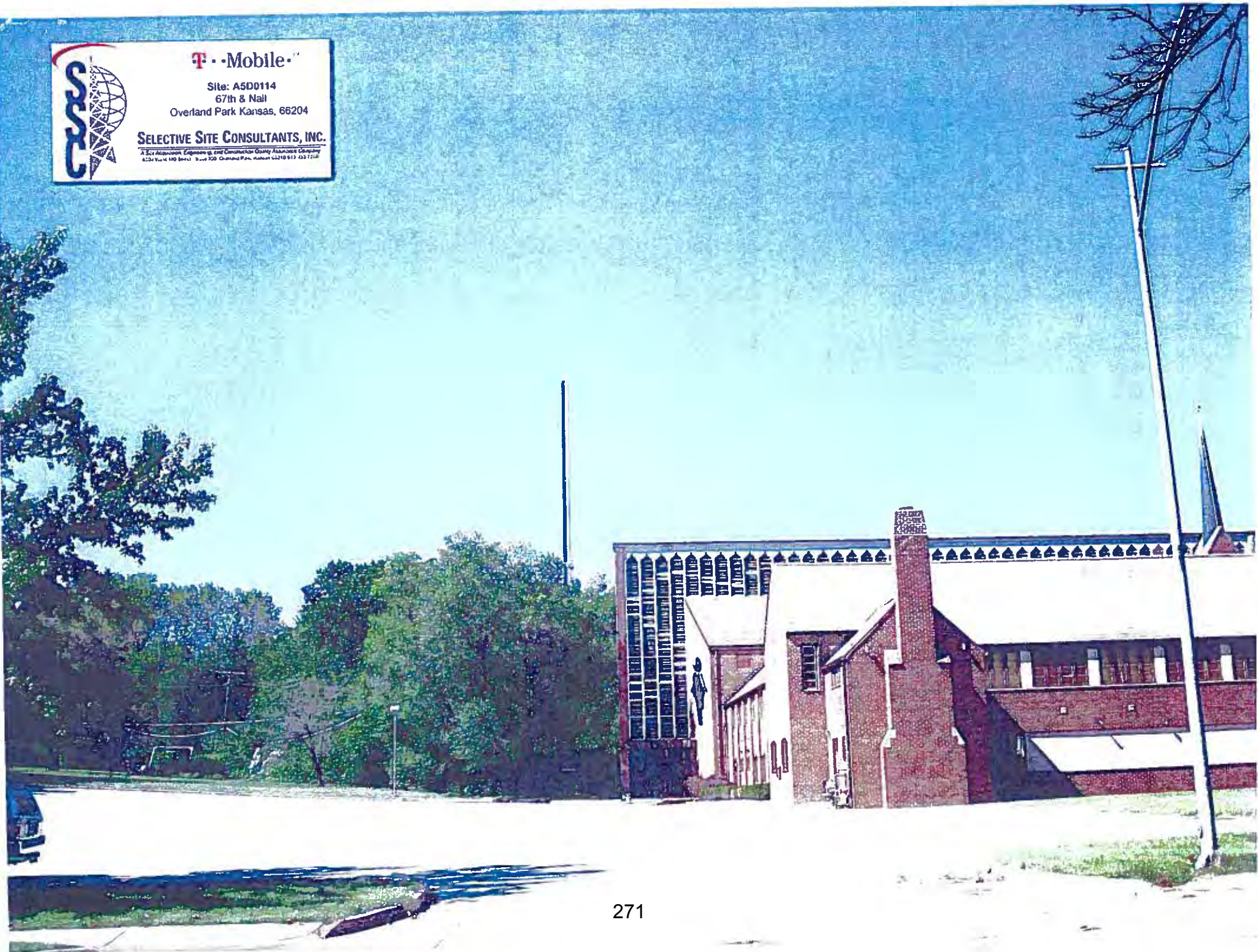




Site: A5D0114
67th & Nall
Overland Park Kansas, 66204



SELECTIVE SITE CONSULTANTS, INC.
A SelectSource Company | 100 Construction Quality Assurance Company
4204 N. N. 110 Street | Suite 320 Overland Park, Kansas 66210-9113 | 913.772.1100





T-Mobile

Site: ASD0114
67th & Nall
Overland Park Kansas, 66204

SELECTIVE SITE CONSULTANTS, INC.

INCORPORATED IN THE STATE OF MISSOURI



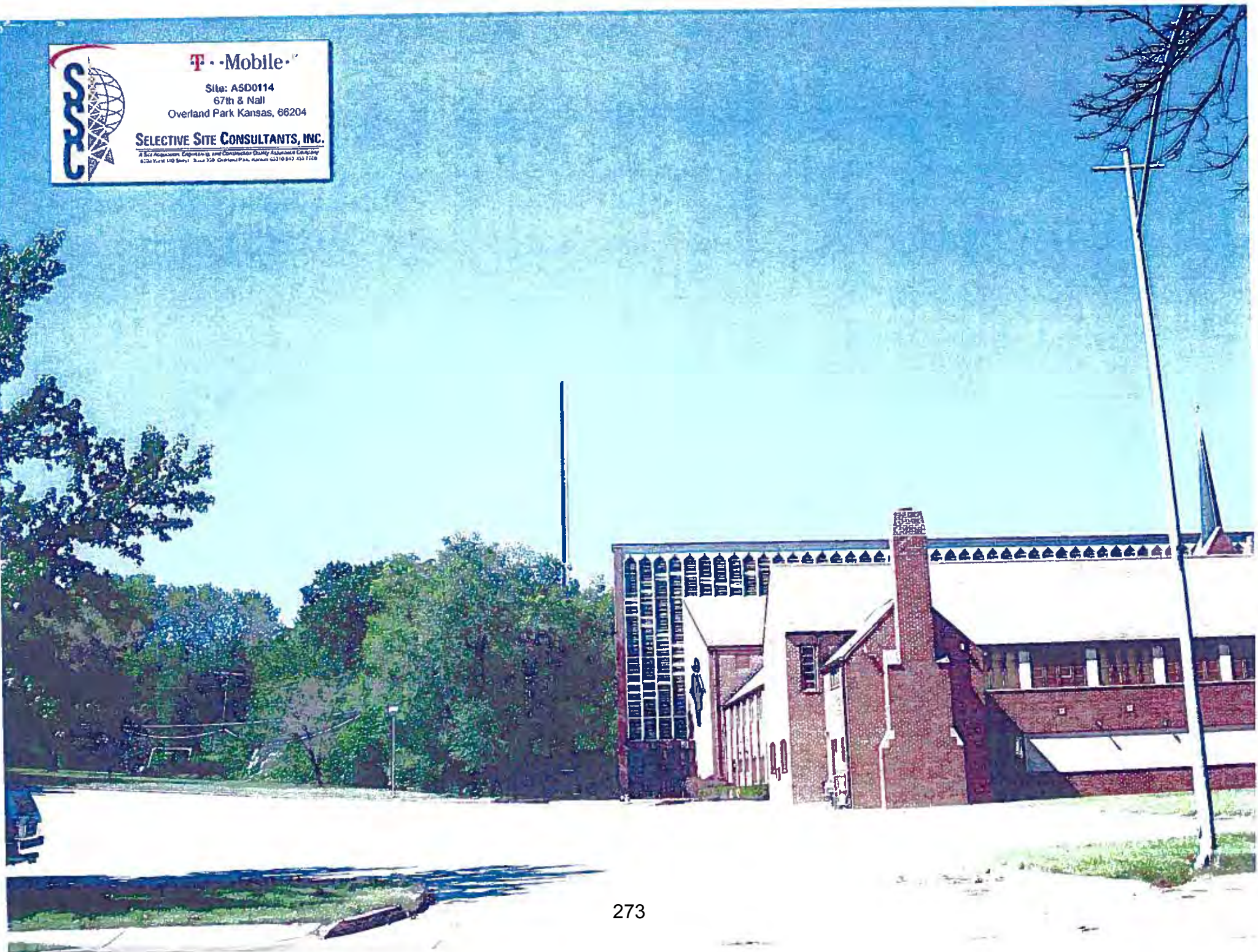


T-Mobile™

Site: A5D0114
67th & Nall
Overland Park Kansas, 66204

SELECTIVE SITE CONSULTANTS, INC.

A Full-Service, Engineering, and Construction Quality Assurance Company
6726 North 140 Street, Suite 120 Overland Park, Kansas 66204 913 643 4312





FINAL ENGINEERING APPROVALS

	INITIALS	DATE
SSC	_____	_____
RF	_____	_____
TELCO	_____	_____
T-MOBILE	_____	_____
OPERATIONS	_____	_____
REAL ESTATE	_____	_____

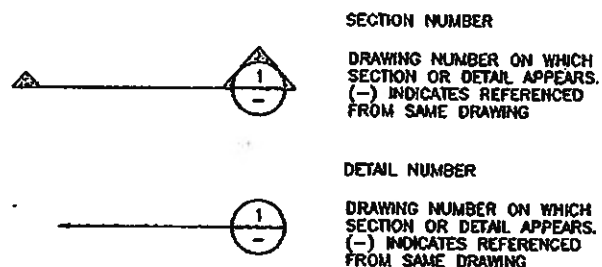
PROJECT INFORMATION

CELL SITE NUMBER: A5D 0114

PROPERTY OWNER: FAITH EVANGELICAL LUTHERAN CHURCH
4805 WEST 67TH STREET
PRAIRIE VILLAGE, KANSAS 66208
CONTACT: MERIE BROCKHOFF
PHONE: (913)-722-3515

TOWER INFORMATION:
LATITUDE: 39° 00' 25.01" N (NAD 83)
LONGITUDE: 94° 38' 28.28" W (NAD 83)
GROUND ELEV: 943' AMSL
TOWER HT: 120' AGL
ANTENNA CENTERLINE: 115'-0" AND 105'-0" AGL

SYMBOLS



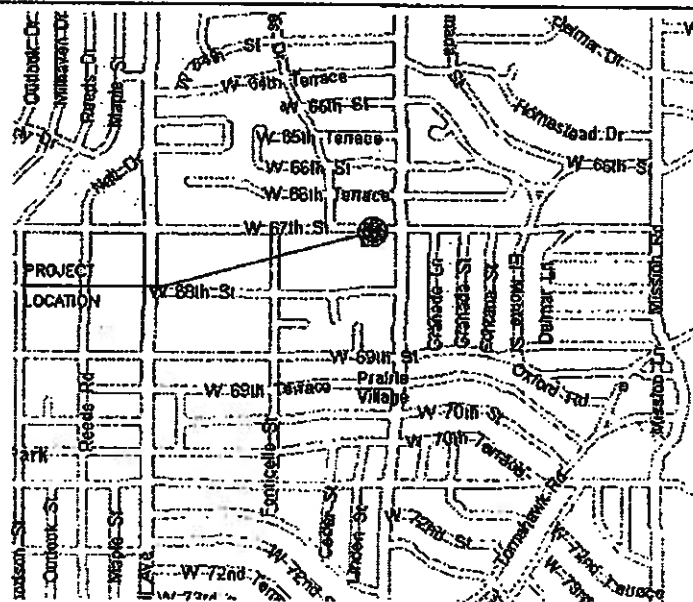
DRAWING INDEX

DWG NUMBER	TITLE	REVISION	RESPONSIBLE ENGINEER
A5D0114 - T01	PROJECT INFORMATION & GENERAL NOTES	B	HAN/SDK
A5D0114 - D01	SURVEY DEMOLITION PLAN	A	HAN
A5D0114 - A01	OVERALL SITE PLAN	B	HAN
A5D0114 - A02	ENLARGED SITE PLAN	B	HAN
A5D0114 - A03	TOWER ELEVATION & ANTENNA DETAILS	A	HAN

GENERAL NOTES

- THE CONTRACTOR SHALL SUPERVISE AND DIRECT ALL WORK USING HIS BEST SKILL AND ATTENTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, PROCEDURES AND SEQUENCES FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.
- THE CONTRACTOR SHALL VISIT THE JOB SITE TO REVIEW THE SCOPE OF WORK AND EXISTING CONDITIONS INCLUDING, BUT NOT LIMITED TO ELECTRICAL SERVICE AND OVERALL COORDINATION.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO SUBMITTING HIS BID. ANY DISCREPANCIES, CONFLICTS OR OMISSIONS, ETC. SHALL BE REPORTED TO SSC, INC. BEFORE PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL PROTECT ALL AREAS FROM DAMAGE WHICH MAY OCCUR DURING CONSTRUCTION. ANY DAMAGE TO NEW AND EXISTING CONSTRUCTION, STRUCTURE, OR EQUIPMENT SHALL BE IMMEDIATELY REPAIRED OR REPLACED TO THE SATISFACTION OF SSC, INC., AT THE EXPENSE OF THE CONTRACTOR.
- THE CONTRACTOR SHALL SAFEGUARD THE OWNER'S PROPERTY DURING CONSTRUCTION AND SHALL REPLACE ANY DAMAGED PROPERTY OF THE OWNER TO ORIGINAL CONDITION.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL EXISTING UTILITIES WHETHER SHOWN HEREON OR NOT, AND TO PROTECT THEM FROM DAMAGE. THE CONTRACTOR SHALL BEAR ALL EXPENSES FOR REPAIR OR REPLACEMENT OF UTILITIES OR OTHER PROPERTY DAMAGED IN CONJUNCTION WITH THE EXECUTION OF WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE SECURITY OF THE SITE WHILE THE JOB IS IN PROGRESS AND UNTIL THE JOB IS COMPLETE.
- ALL CONSTRUCTION WORK SHALL CONFORM TO THE I.B.C. 2003 AND ALL APPLICABLE LOCAL REGULATIONS, ORDINANCES, STATUTES & CODES.
- T-MOBILE SHALL OBTAIN THE CONSTRUCTION PERMIT. THE CONTRACTOR SHALL OBTAIN AND PAY FOR ADDITIONAL PERMITS, LICENSES AND INSPECTIONS NECESSARY FOR PERFORMANCE OF THE WORK AND INCLUDE THOSE IN THE COST OF THE WORK TO THE OWNER.
- CITY APPROVED PLANS SHALL BE KEPT IN A PLAN BOX AND SHALL NOT BE USED BY WORKMEN. ALL CONSTRUCTION SETS SHALL REFLECT SAME INFORMATION. THE CONTRACTOR SHALL ALSO MAINTAIN IN GOOD CONDITION ONE COMPLETE SET OF PLANS WITH ALL REVISIONS, ADDENDA AND CHANGE ORDERS ON THE PREMISES AT ALL TIMES. THESE ARE TO BE UNDER THE CARE OF JOB SUPERINTENDENT.
- THE CONTRACTOR SHALL PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A OR 2-A:10-B:C WITHIN 75 FEET OF TRAVEL DISTANCE TO ALL PORTIONS OF THE BUILD OUT AREA DURING CONSTRUCTION.
- ANY CONNECTION FEES FOR ELECTRICAL SERVICE SHALL BE PAID BY THE CONTRACTOR.

AREA MAP



FAITH EVANGELICAL // A5D0114(G)

PART OF THE NE 1/4, SW 1/4, SEC. 16, T. 12, R. 25 IN JOHNSON COUNTY, KANSAS

PROPERTY DESCRIPTION: Parent Parcel as Provided

All that part of the Southwest Quarter of Section 16, Township 12, Range 25, now in the City of Prairie Village, in Johnson County, Kansas, described as follows: Beginning at the Northeast corner of said Southwest Quarter; thence South along East line of said Southwest Quarter a distance of 390 feet; thence South 80 degrees West a distance of 270.54 feet; thence North parallel to the East line of said Southwest Quarter a distance of 153.27 feet; thence South 50 degrees 10 minutes 30 seconds West a distance of 203.78 feet; thence North and parallel to the East line of said Southwest Quarter a distance of 335 feet to the North line of said Southwest Quarter; thence East along the North line of the Southwest Quarter a distance of 430.60 feet to the point of beginning, subject to the rights of public in that part thereof now in public roads.

NOTE: The parent parcel graphically shown hereon, in full or in part, is the same as that described above.

FLOOD NOTE:
According to my interpretation of Community Panel No. 20091C009+ F of the Flood Insurance Rate Map for Johnson County, Kansas, dated 06-17-2002, the subject property is in Flood Zone "X", in "areas determined to be outside 500-year floodplain."

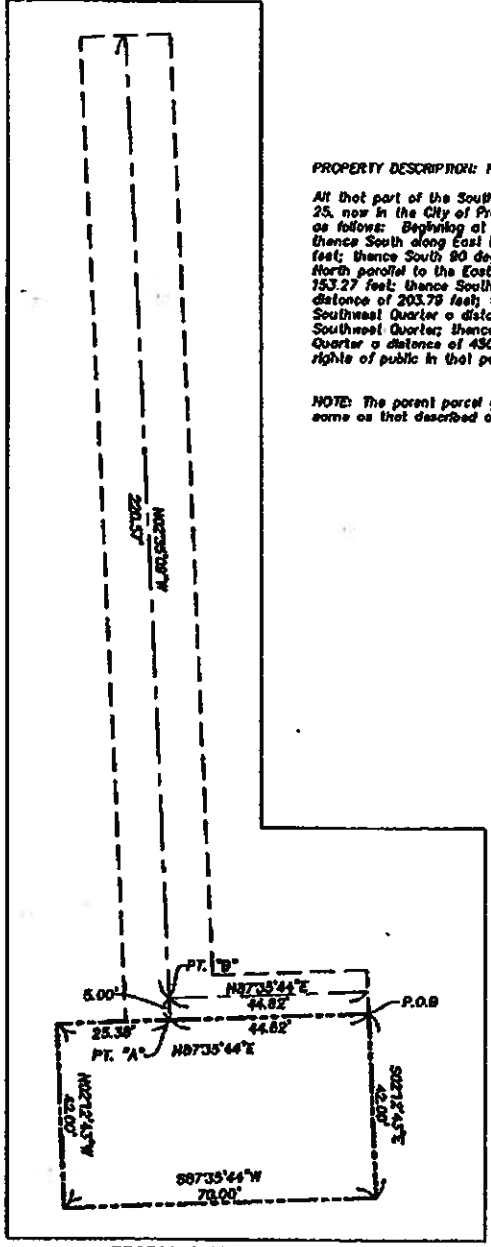
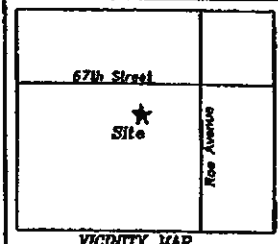
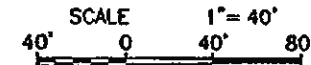
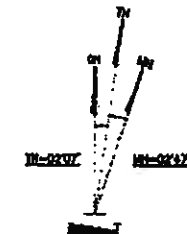
PROPOSED CELL TOWER DATA
Grid Coordinate
N 80173.000m
E 690856.536m
Center of Tower
Lot 39'00"25.01" North
Long 94'38"28.28" West
Ground Elevation = 956ft

Note: Kansas State Plane Coordinates
North Zone Conversion
1 Meter = 3,280.8333 Feet
Project Grid Factor = 0.99992543

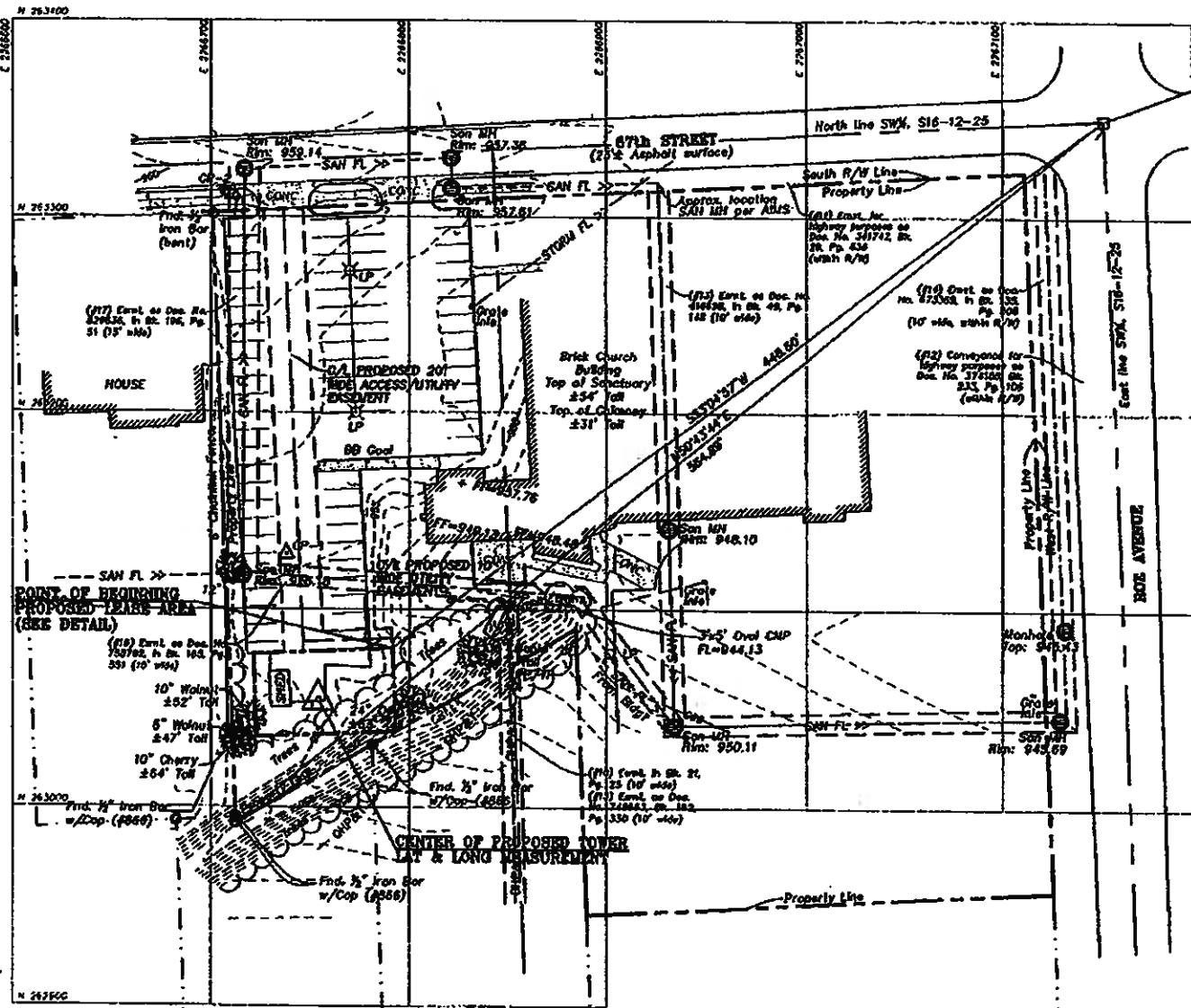
Project Coordinates:
CP-1 (Set mag nail & shiner)
N 263128.147
E 2266736.199
ELEV. = 956.03ft

CP-2 (Set 1/2" Iron Bar w/Red Cap)
N 263311.305
E 2266711.396
ELEV. = 959.12ft

BENCH MARK
Top of 1/2" Iron Bar w/Red Cap at CP2
Elevation = 959.12ft



PROPOSED LEASE AREA DETAIL
1" = 20'



PROPERTY DESCRIPTION: Proposed Lease Area, Access/Utility Easement, and Utility Easement
A 42 foot by 70 foot Lease Area, together with a 20 foot wide Access/Utility Easement, and a 10 foot wide Utility Easement, situated in the Northeast Quarter of the Southwest Quarter of Section 16, Township 12, Range 25, in Johnson County, Kansas, more particularly described as follows:
COMMENCING at the Northeast Corner of said Southwest Quarter of said Section 16 (Find 1/2" Iron Bar), said point bears North 50°43'44" East, a distance of 364.89 feet from a Found 1/2" Iron Bar w/ Cap L54956; thence South 53°04'37" West, a distance of 443.60 feet to the POINT OF BEGINNING of said Lease Area; thence South 02°12'43" East, a distance of 42.00 feet; thence South 87°35'44" West, a distance of 70.00 feet; thence North 02°12'43" West, a distance of 42.00 feet; thence North 87°35'44" East, a distance of 28.38 feet to a point hereinafter referred to as Point "A"; thence continuing North 87°35'44" East, a distance of 44.82 feet to the POINT OF BEGINNING. Containing 2,940 square feet.
TOGETHER with a 20 foot wide Access/Utility Easement, lying 10.00 feet on each side of the following described centerline:
BEGINNING of aforementioned Point "A"; thence North 02°35'09" West, a distance of 5.00 feet to a point hereinafter referred to as Point "B"; thence continuing North 02°35'09" West, a distance of 220.57 feet to the POINT OF TERMINATION on the Southern Right of Way line of 67th Street as it presently exists.
AND a 10 foot wide Utility Easement, lying 5.00 feet on each side of the following described centerline:
BEGINNING of aforementioned Point "B"; thence North 87°35'44" East, a distance of 46.62 feet to the POINT OF TERMINATION.

POINT OF COMMENCING
NE Corner SW16
Sec. 16-12-25
Find 5/8" Iron Bar

LEGEND	
TELEPHONE & POWER POLE	⊕ PP/TP
POWER POLE	⊕ PP
LIGHT POLES	⊕ LP
ANCHOR	∨
BASKETBALL GOAL	• BB Goal
BENCHMARK	⊕
CONTROL POINT	⊕
SECTION CORNER	⊕
PROPERTY CORNER	⊕
TOWER POINT	⊕
MANHOLE (SAN, STORM, TEL.)	⊕
TREE (DLA)	⊕
TREE LINE	⊕
FENCE	— X —
OVERHEAD POWER LINE	— OHP —
OVERHEAD POWER & TELEPHONE LINE	— OHP&T —

Property Information shown hereon was provided by Assured Quality Title Company, an agent for First American Title Company, Commitment No. K190522, effective August 22, 2007 at 8:00 a.m. Schedule B Information affecting Lease Area is noted unless shown hereon.
(#8) Mortgage as Doc. No. 20040428-0011984 in Bk. 200404, Pg. 011984. (Unable to plot mortgage)
(#9) Assignment of Rents and Leases as Doc. No. 20040428-0011985 in Bk. 200404, Pg. 011985. (Unable to plot assignment)
(#10) Emt. of Doc. No. 216731 in Misc. Bk. 21, Pg. 25. (Undefined location, unable to plot)

Notes:
Bearings shown hereon are based on Kansas State Plane Coordinate System of 1983 (NAD 83). Coordinates were derived using GPS Stollis Survey methods and post processed data with Magellan/Ashlech receivers and "Loosec System" processor software.
Set 1/2" Iron Bar at Lease corners unless otherwise noted.
The average height of trees shown hereon is 65'; the purpose of this survey is to establish and describe a Lease Parcel and associated easements. This is not a boundary survey of the Parent Parcel.
The utilities as shown on this drawing were developed from the information available (existing utility maps, aboveground observations and/or surface markings placed on the ground by the utility company or a representative thereof). This company has made no attempt to excavate or go below surface to locate utilities and does not extend or imply a warranty or warranty as to the exact location or complete inventory of utilities in this area. It shall be the contractor's responsibility to verify the location and depth of all utilities (whether shown or not) prior to excavation or construction and to protect said utilities from damage.

CERTIFICATION:
I HEREBY CERTIFY THAT A SURVEY WAS MADE BY ME, OR UNDER MY DIRECT SUPERVISION, ON THE GROUND OF THE LEASE AREA, LEASE ACCESS EASEMENT, AND LEASE UTILITY EASEMENT PREMISES HEREIN DESCRIBED, AND THE RESULTS OF SAID SURVEY ARE REPRESENTED HEREON. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS OVER SAID LEASE PREMISES TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

03/03/08: ADDED TITLE
03/03/08: ADDED A/E AND TOWER INFO.
10/16/07: ADDED HEIGHTS OF TREES AND CHURCH

JEFFREY B. LOVELACE KS-LS1328
DATE: _____

T-Mobile

Sullivan Site Construction, Inc.
1200 W. 12th St., Suite 100
Prairie Village, MO 64075
Phone: (816) 424-2770
Fax: (816) 424-2777

LOVELACE & ASSOCIATES
Land Surveying - Civil Engineering
Land Planning
475 SE 37th Street, Suite 100, Shawnee, MO 64061
Phone: (816) 347-9997 Fax: (816) 347-9999

SURVEY PROVIDED FOR:
SELECTIVE SITE CONSULTANTS
8500 W. 110th St.
Suite 300
Overland Park, KS 66210
Tel: (913) 458-7700
SURVEY PROVIDED BY:
LOVELACE & ASSOC., LLC
P.O. Box 68
Lee's Summit, MO 64083
Tel: (816) 347-9997

SITE ID: A5D0114(G)
SITE NAME & LOCATION
FAITH EVANGELICAL
OVERLAND PARK
JOHNSON COUNTY, KS

SITE SURVEY
L & A PROJECT NO. 07581
DRAWN BY: N.J.B.
CHECKED BY: J.B.L.
DATE: 09-28-07
FIELDWORK DATE: 09-20-07

CALL BEFORE YOU DIG - 800-4-A-DIG
800-44-2323
800-44-2323
800-44-2323
800-44-2323

SHEET NUMBER
1 OF 1

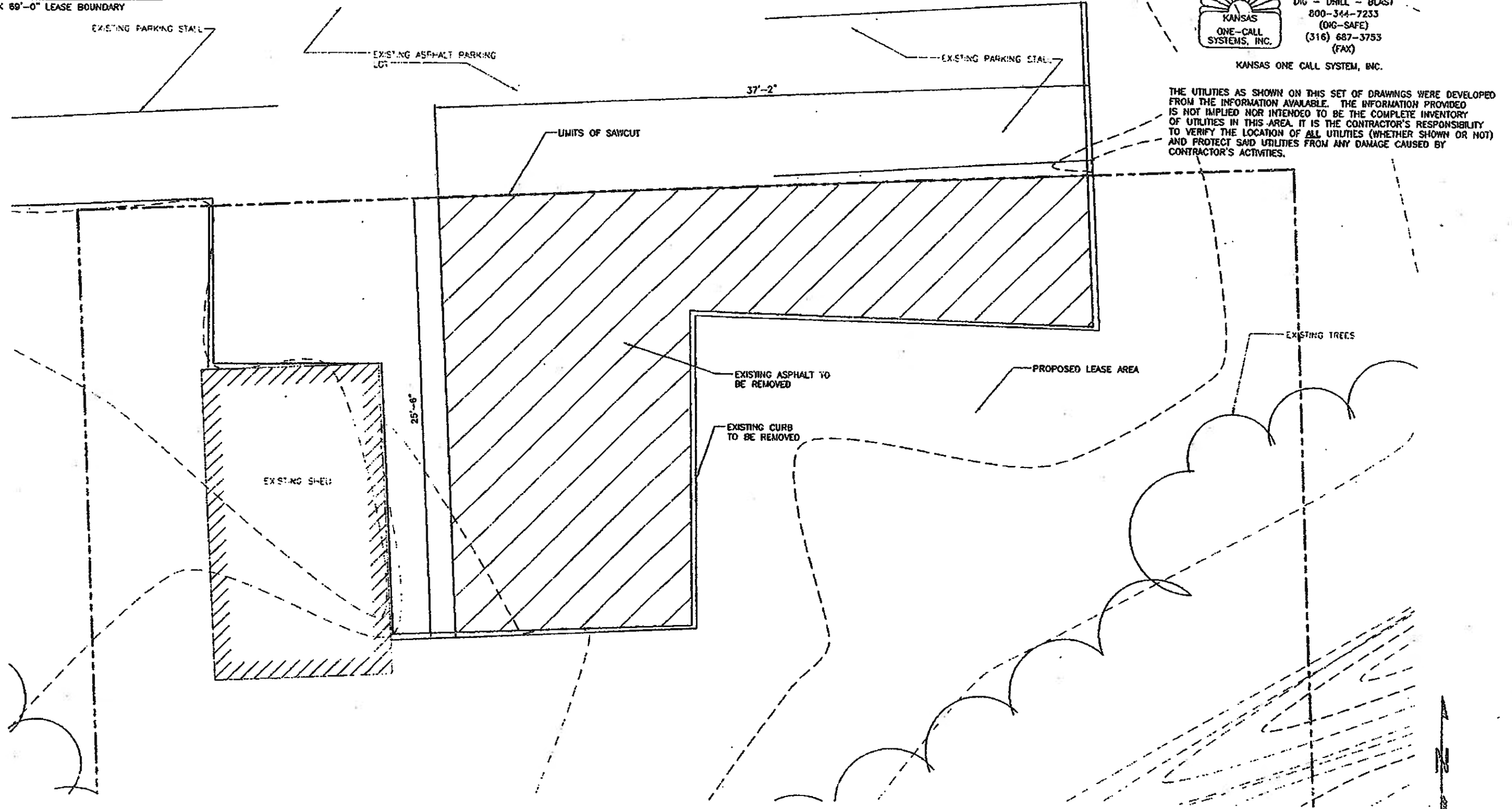
NOTE:
PROPOSED CLEAR & GRUB REMOVAL LIMITS:
 42'-0" X 89'-0" LEASE BOUNDARY



CALL BEFORE YOU
 DIG - DRILL - BLAST
 800-344-7233
 (DIG-SAFE)
 (316) 687-3753
 (FAX)

KANSAS ONE CALL SYSTEM, INC.

THE UTILITIES AS SHOWN ON THIS SET OF DRAWINGS WERE DEVELOPED FROM THE INFORMATION AVAILABLE. THE INFORMATION PROVIDED IS NOT IMPLIED NOR INTENDED TO BE THE COMPLETE INVENTORY OF UTILITIES IN THIS AREA. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE CAUSED BY CONTRACTOR'S ACTIVITIES.



DEMOLITION PLAN

REV	DATE	REVISION DESCRIPTION	BY
A	09/20/07	ISSUED FOR LEASE EXHIBIT	DCP
B	02/26/08	REVISED LEASE EXHIBIT	DCP

NOTICE: THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF SSC, INC. AND IS LOANED TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY, AND IN CONSIDERATION OF THE LOAN OF THIS DRAWING, THE BORROWER PROMISES AND AGREES TO RETURN IT UPON REQUEST AND AGREES THAT IT WILL NOT BE REPRODUCED, COPIED, LENT OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE OTHER THAN FOR WHICH IT IS FURNISHED.



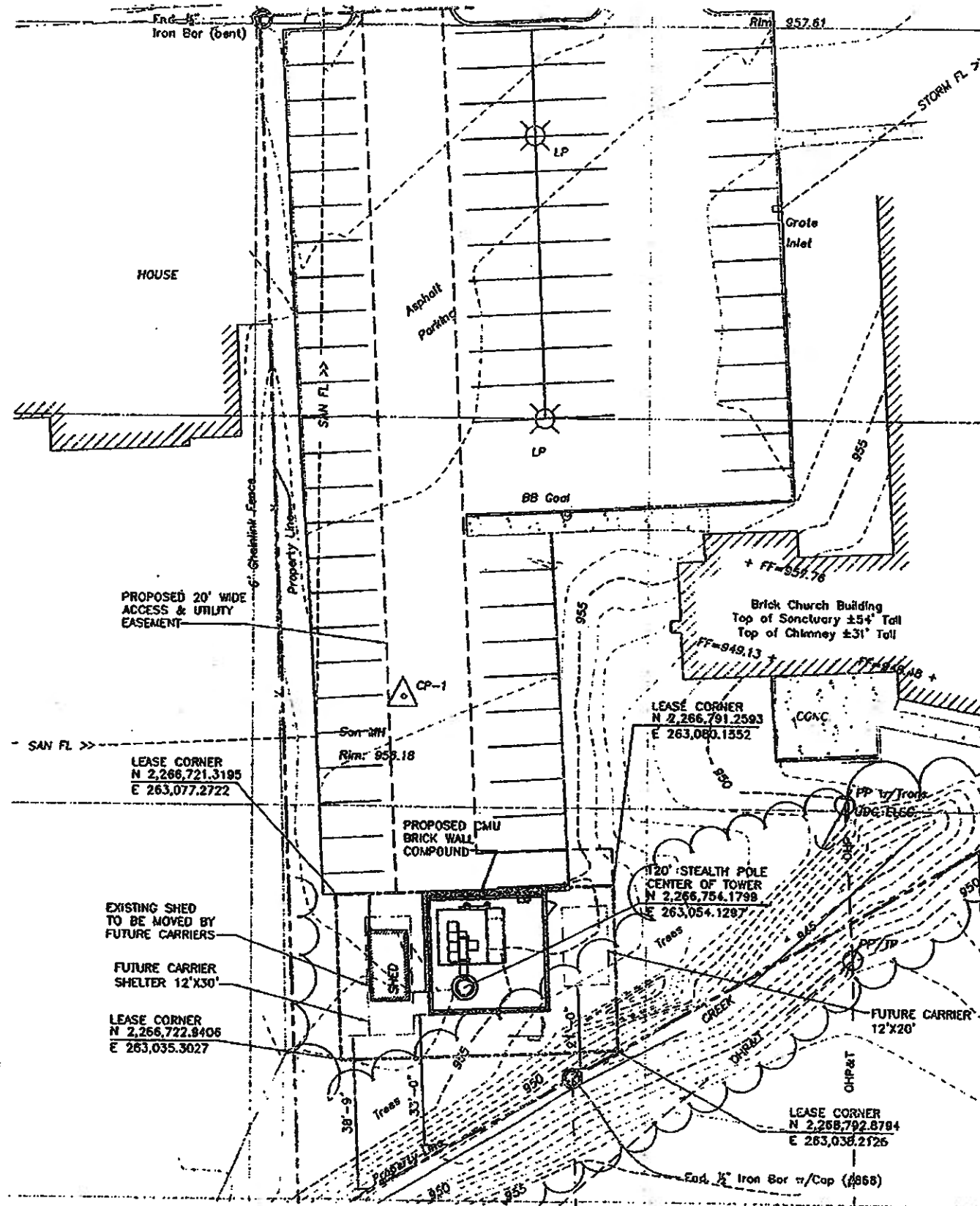
SELECTIVE SITE CONSULTANTS, INC.
 A Site Analysis, Engineering and Construction Quality Assurance Company
 8500 W. 110th Street, Suite 300
 Overland Park, Kansas 66210
 Phone: 913-438-7700
 Fax: 913-438-7777

LANDLORD APPROVAL:	

DATE:
DESIGNED BY D.C. PELLAND
CHECKED BY H.A. NOVIN
SUPERVISOR H.A. NOVIN
LEAD ENGR/SPECIALIST S.D. KEISLING

67TH & ROE CELL SITE A5D 0114 DEMOLITION PLAN
4805 WEST 67TH STREET PRAIRIE VILLAGE, KANSAS
DRAWING NUMBER A5D0114 - D01

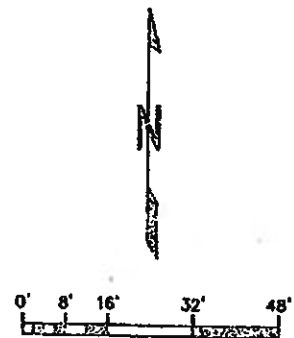
1
 REV B



CALL BEFORE YOU
DIG - DRILL - BLAST
800-344-7233
(DIG-SAFE)
(316) 687-3753
(FAX)

KANSAS ONE CALL SYSTEM, INC.

THE UTILITIES AS SHOWN ON THIS SET OF DRAWINGS WERE DEVELOPED FROM THE INFORMATION AVAILABLE. THE INFORMATION PROVIDED IS NOT IMPLIED NOR INTENDED TO BE THE COMPLETE INVENTORY OF UTILITIES IN THIS AREA. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE CAUSED BY CONTRACTOR'S ACTIVITIES.



OVERALL SITE PLAN

REV	DATE	REVISION DESCRIPTION	OSGN
A	09/20/07	ISSUED FOR LEASE EXHIBIT	DCP
B	02/26/08	REVISED LEASE EXHIBIT	DCP

NOTICE: THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF SSC, INC. AND IS LOANED TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY. AND BY CONSIDERATION OF THE LOAN OF THIS DRAWING, THE BORROWER PROMISES AND AGREES TO RETURN IT UPON REQUEST AND AGREES THAT IT WILL NOT BE REPRODUCED, COPIED, LENT OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE OTHER THAN FOR WHICH IT IS FURNISHED.



SELECTIVE SITE CONSULTANTS, INC.
A Division of Engineering and Construction Group, Associated Companies

8500 W. 110th Street, Suite 300
 Overland Park, Kansas 66210
 Phone: 913-438-7700
 Fax: 913-438-7777

277

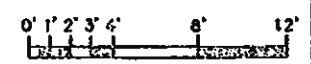
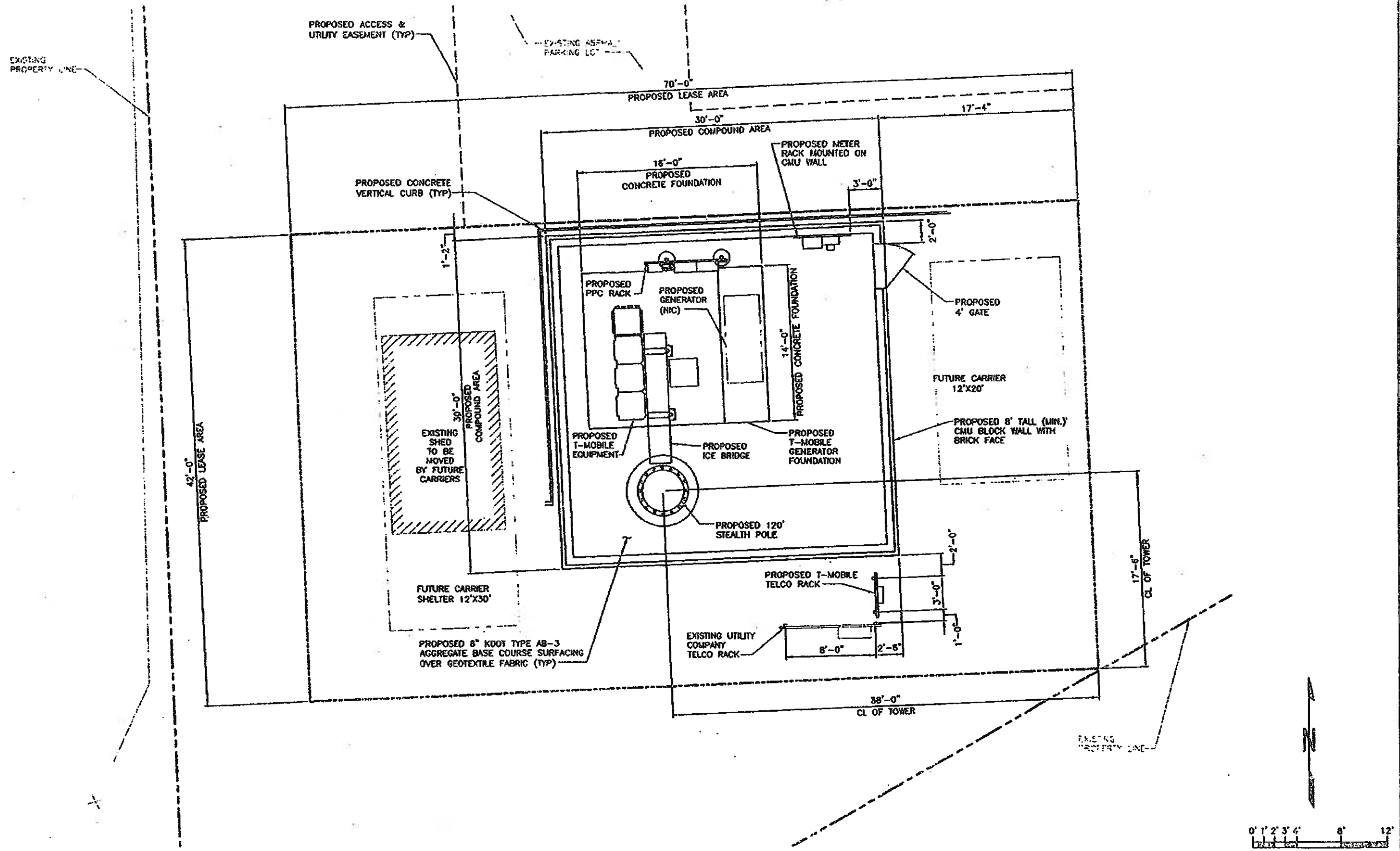
LANDLORD APPROVAL:	

DATE:
DESIGNED BY D.C. PELLANO
CHECKED BY H.A. NOVIN
SUPERVISOR H.A. NOVIN
LEAD ENGR/SPECIALIST S.D. KEISLING

67TH & ROE
 CELL SITE ASD 0114
 OVERALL SITE PLAN

4805 WEST 67TH STREET
 PRAIRIE VILLAGE, KANSAS

DRAWING NUMBER
 ASD0114- A01



ENLARGED SITE PLAN

REV	DATE	REVISION DESCRIPTION	DSGN
A	09/20/07	ISSUED FOR LEASE EXHIBIT	DCP
B	02/26/08	REVISED LEASE EXHIBIT	DCP

NOTICE: THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF SSC, INC. AND IS LOANED TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY, AND IN CONSIDERATION OF THE LOAN OF THIS DRAWING, THE BORROWER PROMISES AND AGREES TO RETURN IT UPON REQUEST AND AGREES THAT IT WILL NOT BE REPRODUCED, COPIED, LENT OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE OTHER THAN FOR WHICH IT IS FURNISHED.



SELECTIVE SITE CONSULTANTS, INC.
 A Mobile Access Engineering and Execution Technology Company

8500 W. 110th Street, Suite 300
 Overland Park, Kansas 66210
 Phone: 913-438-7700
 Fax: 913-438-7777

LANDLORD APPROVAL:	

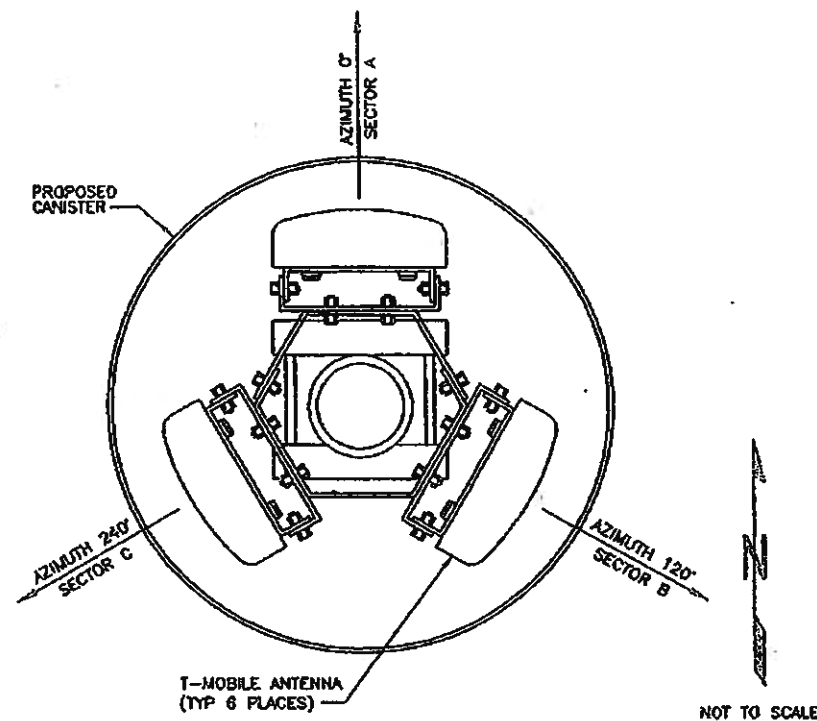
DATE:
DESIGNED BY D.C. PELLAND
CHECKED BY H.A. NOVIN
SUPERVISOR H.A. NOVIN
LEAD ENGR/SPECIALIST S.D. KEISLING

67TH & ROE
 CELL SITE ASD 0114
 ENLARGED SITE PLAN

4805 WEST 67TH STREET
 PRAIRIE VILLAGE, KANSAS

DRAWING NUMBER:
 ASD0114 - A02

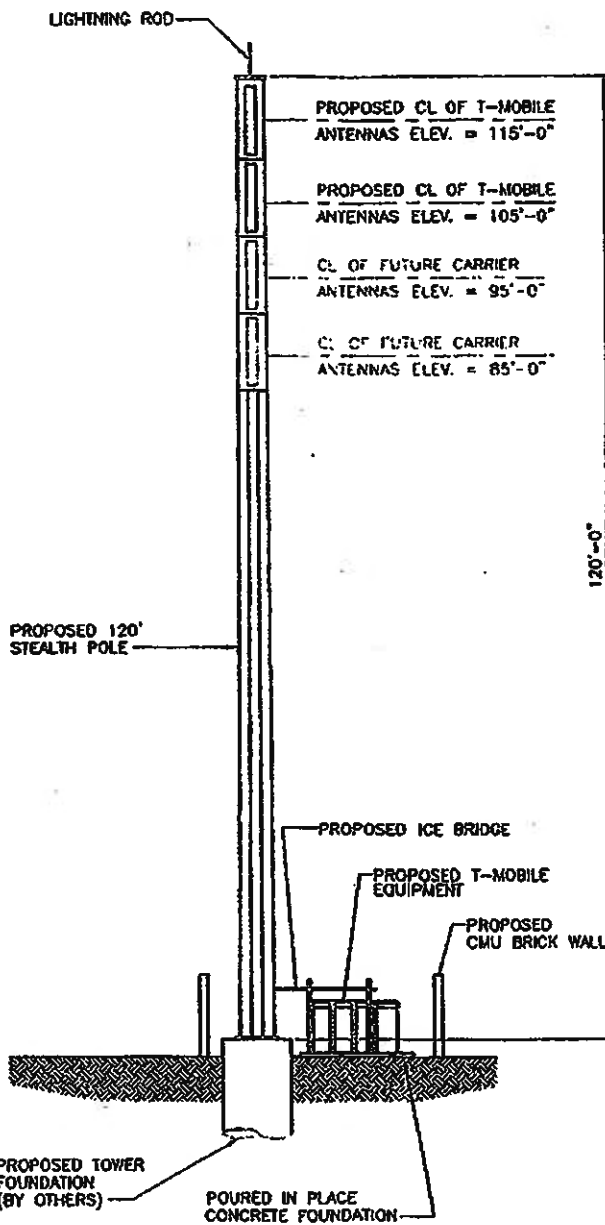
REV B



NOTES:
ALL CONNECTIONS FOR HANGERS, SUPPORTS, BRACING, ETC. SHALL BE INSTALLED PER TOWER MANUFACTURER'S STANDARD DETAILS.

ANTENNA LAYOUT @ ELEVATIONS 105'-0" & 115'-0"

2



TOWER ELEVATION

1

PCS ANTENNA KEY

ANTENNA NUMBER	COAX COLOR CODE	BEAM WIDTH	ANTENNA VENDOR	MODEL NO.	AZIMUTH	ELECTRICAL DOWNTILT	MECHANICAL DOWNTILT	HEIGHT TO THE CENTER OF ANTENNA FROM GROUND LEVEL	COAXIAL FEEDER	
									SIZE	LENGTH
A-1 GSM	RED 1 STRIPE	65'	ANDREW	0	0°	2	0	115'-0"	7/8"	140'
	RED 3 STRIPES								7/8"	140'
	RED 2 STRIPES								7/8"	140'
	RED 4 STRIPES								7/8"	140'
A-2 GSM/UMTS	RED 5 STRIPES	65'	ANDREW	0	0°	2	0	105'-0"	7/8"	130'
	RED 6 STRIPES								7/8"	130'
	RED 7 STRIPES								7/8"	130'
	RED 8 STRIPES								7/8"	130'
B-1 GSM	YELLOW 1 STRIPE	65'	ANDREW	0	120°	2	0	115'-0"	7/8"	140'
	YELLOW 2 STRIPES								7/8"	140'
	YELLOW 3 STRIPES								7/8"	140'
	YELLOW 4 STRIPES								7/8"	140'
B-2 GSM/UMTS	YELLOW 5 STRIPES	65'	ANDREW	0	120°	2	0	105'-0"	7/8"	130'
	YELLOW 6 STRIPES								7/8"	130'
	YELLOW 7 STRIPES								7/8"	130'
	YELLOW 8 STRIPES								7/8"	130'
C-1 GSM	BLUE 1 STRIPE	65'	ANDREW	0	240°	2	0	115'-0"	7/8"	140'
	BLUE 2 STRIPES								7/8"	140'
	BLUE 3 STRIPES								7/8"	140'
	BLUE 4 STRIPES								7/8"	140'
C-2 GSM/UMTS	BLUE 5 STRIPES	65'	ANDREW	0	240°	2	0	105'-0"	7/8"	130'
	BLUE 6 STRIPES								7/8"	130'
	BLUE 7 STRIPES								7/8"	130'
	BLUE 8 STRIPES								7/8"	130'

NOTES:

- ANTENNA CONTRACTOR SHALL INSURE ALL ANTENNA MOUNTING PIPES ARE PLUMB
- COAXIAL FEEDER LENGTHS INDICATED ABOVE ARE APPROXIMATE. CONTRACTOR TO VERIFY ACTUAL LENGTH BEFORE ORDERING
- COLOR CODING: USE 1 STRIPE FOR MAIN LINE AND 2 STRIPES FOR DIVERSITY LINE. SUBSEQUENT EXPANSION COAX RUNS SHOULD BE LABELED 3 STRIPES, 4 STRIPES, ETC...
- IN ADDITION TO THE COAX COLOR CODE SHOWN IN THE TABLE, ALL UNITS COAX CABLES SHALL BE MARKED WITH AN ADDITIONAL SINGLE GREEN AND WHITE CHECKER STRIPE.
- LINE 1 & 2 TO HAVE LNA'S, MOUNTED ON PIPE BELOW ANTENNAS.
- MULTI PORT ANTENNAS: TERMINATE UNUSED ANTENNA PORTS WITH CONNECTOR CAP & WEATHERPROOF THOROUGHLY. JUMPERS FROM LNAs MUST TERMINATE TO OPPOSITE POLARIZATIONS IN EACH SECTOR
- CONTRACTOR MUST FOLLOW ALL MANUFACTURER'S RECOMMENDATIONS REGARDING THE INSTALLATION OF COAXIAL CABLES, CONNECTORS, AND ANTENNAS.
MINIMUM BEND RADIUS:
LDF4-50A (1/2" HARD LINE) = 5"
FSJ4-50B (1/2" SUPER FLEX) = 1-1/4"
LDF5-50A (7/8" HARD LINE) = 10"
LDF7-50A (1-5/8" HARD LINE) = 20"
- CONTRACTOR SHALL RECORD THE SERIAL #, SECTOR, AND POSITION OF EACH ACTUATOR INSTALLED AT THE ANTENNAS AND GIVE THE INFORMATION TO T-MOBILE.
- WEATHERPROOF ALL ANTENNA CONNECTORS WITH SELF AMALGAMATING TAPE.

MINIMUM RF REQUIREMENTS

ANTENNA NUMBER	ANTENNA DIRECTION	MINIMUM ANTENNA HEIGHT	MINIMUM SEPARATION
A-1	0°	115'-0"	N/A
B-1	120°	115'-0"	N/A
C-1	240°	115'-0"	N/A
A-2	0°	105'-0"	N/A
B-2	120°	105'-0"	N/A
C-2	240°	105'-0"	N/A

LOCATIONS OF ANTENNAS AS SHOWN HAVE BEEN APPROVED BY CLIENT AND/OR CLIENT'S RADIO FREQUENCY ENGINEERS. SSC ASSUMES NO RESPONSIBILITY FOR, NOR HAS SSC PERFORMED ANY INVESTIGATIONS OR STUDIES CONCERNING, THE COMPLIANCE OR NONCOMPLIANCE OF SAID ANTENNA LOCATIONS WITH ANY FCC RADIO FREQUENCY EXPOSURE REGULATIONS.

REV	DATE	REVISION DESCRIPTION	DSGN
A	09/20/07	ISSUED FOR LEASE EXHIBIT	DCP
B	02/26/08	REVISED LEASE EXHIBIT	DCP

NOTICE: THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF SSC, INC. AND IS LOANED TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY. IN CONSIDERATION OF THE LOAN OF THIS DRAWING, THE BORROWER PROMISES AND AGREES TO RETURN IT UPON REQUEST AND AGREES THAT IT WILL NOT BE REPRODUCED, COPIED, LENT OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE OTHER THAN FOR WHICH IT IS FURNISHED.



SELECTIVE SITE CONSULTANTS, INC.
 8500 W. 110th Street, Suite 300
 Overland Park, Kansas 66210
 Phone: 913-438-7700
 Fax: 913-438-7777

LANDLORD APPROVAL:

DATE:

DESIGNED BY: D.C. PELLASID

CHECKED BY: H.A. NOVIN

SUPERVISOR: H.A. NOVIN

LEAD ENGR/SPECIALIST: S.D. KEISLING

67TH & ROE
 CELL SITE A5D 0114
 TOWER ELEVATION & ANTENNA DETAILS

4805 WEST 67TH STREET
 PRAIRIE VILLAGE, KANSAS

DRAWING NUMBER: A5D0114 - A03

REV: B

Memo

To: City Council

From: Joyce Hagen Mundy, City Clerk

Date: 5/29/2008

Re: Petitions

The City received a protest petition from the neighbors surrounding the proposed tower site and a petition opposing this application signed by 287 individuals outside the 200' surrounding property area. The City's Special Use Permit process does not provide for protest petitions. This therefore does not impact the vote required by the City Council. The petitions are attached for your information only and are not binding on the City.

Online

Johnson County Online Mapping

Redraw | Print | Current News

LAYERS

Legend

Property Layers

Property Dimensions

Property Lines

Property Polygons

Aerial Images

Planimetric Layers

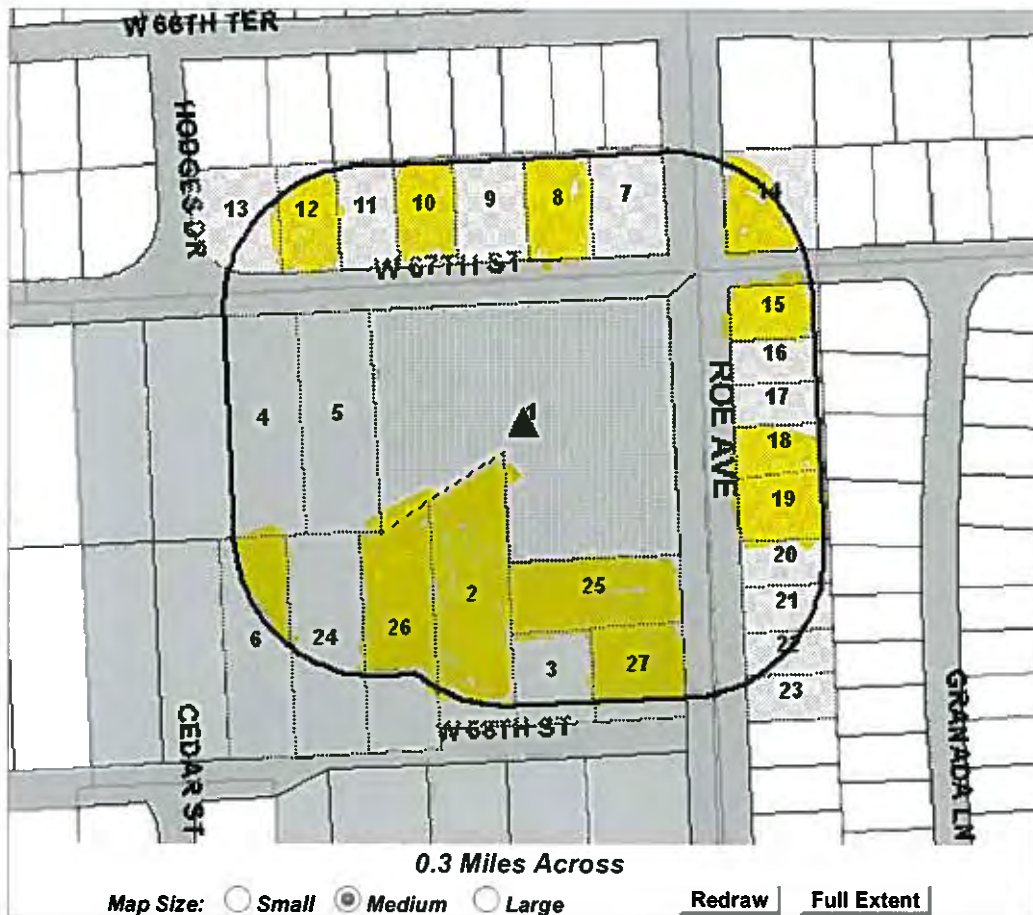
Other Layers

Admin. Layers

School Layers

Utility Layers

Redraw



Terms of Use
Copyright © 2008 -- Johnson County, Ks

Individuals Signing Protest Petition against PC2008-02

Number	Situs Address	Property Owner	Owner Address	City, State
2	4722 West 68th Street	Harold D. Neptune	4722 West 68th Street	Prairie Village, KS
5	4809 West 67th Street	Loredana B. Molteni	4809 West 67th Street	Prairie Village, KS
6	4820 West 68th Street	Gina M. Robinson	4820 West 68th Street	Prairie Village, KS
8	4708 West 67th Street	Michael D. Dunn	4708 West 67th Street	Prairie Village, KS
	4708 West 67th Street	Terri J. Dunn	4708 West 67th Street	Prairie Village, KS
10	4800 West 67th Street	Patrick H. Ink	4800 West 67th Street	Prairie Village, KS
12	4810 West 68th Street	Christopher G. Wooldridge	4810 West 68th Street	Prairie Village, KS
	4810 West 68th Street	Jane H. Wooldridge	4810 West 68th Street	Prairie Village, KS
15	6701 Roe Avenue	Larry Kamin	6701 Roe Avenue	Prairie Village, KS
18	6719 Roe Avenue	Cynthia Anderson	6118 Reinhardt Dr.	Fairway, KS
19	6725 Roe Avenue	Karen L. Miller	6725 Roe Avenue	Prairie Village, KS
25	6740 Roe Avenue	Jay P. Julian	6740 Roe Avenue	Prairie Village, KS
26	4806 West 68th Street	John S. Faerber	4806 West 68th Street	Prairie Village, KS
	4806 West 68th Street	Katherine N. Faerber	4806 West 68th Street	Prairie Village, KS
27	2700 West 68th Street	Aleta J. Cress	13516 Spinning Wheel Dr.	Germantown, MD

AIMS Buffer Results

JoCo Home > AIMS Home > Internet Map

200 foot buffer (12.99 acres) on 4805
W 67TH ST

Buffer search returned 27 properties
Download Results in Text File

No.	Property ID	Area (ft ²)	Acres	Situs Address	Owner Address	City, State Zip
1	OF251216-2011	129,317	2.97	6700 ROE AVE	4805 W 67TH ST	PRAIRIE VILLAGE, KS 6620
2	OF251216-2012	36,610	0.84	4722 W 68TH ST	4722 W 68TH ST	PRAIRIE VILLAGE, KS 6620
3	OF251216-2023	13,899	0.32	4712 W 68TH ST	8008 FLOYD ST	OVERLAND PARK, KS 6620
4	OF251216-2024	30,698	0.70	4821 W 67TH ST	4821 W 67TH ST	PRAIRIE VILLAGE, KS 6620
5	OF251216-2025	30,940	0.71	4809 W 67TH ST	4808 W 81ST ST	PRAIRIE VILLAGE, KS 6620
6	OF251216-2031	27,813	0.64	4820 W 68TH ST	4820 W 68TH ST	PRAIRIE VILLAGE, KS 6620
7	OP07500001 0009	15,133	0.35	4700 W 67TH ST	4700 W 67TH ST	PRAIRIE VILLAGE, KS 6620
8	OP07500001 0010	13,499	0.31	4708 W 67TH ST	4708 W 67TH ST	PRAIRIE VILLAGE, KS 6620
9	OP07500001 0011	15,001	0.34	4716 W 67TH ST	4716 W 67TH ST	PRAIRIE VILLAGE, KS 6620
10	OP07500001 0012	12,001	0.28	4800 W 67TH ST	4800 W 67TH ST	PRAIRIE VILLAGE, KS 6620
11	OP07500001 0013	11,997	0.28	4806 W 67TH ST	4806 W 67TH ST	PRAIRIE VILLAGE, KS 6620
12	OP07500001 0014	12,001	0.28	4810 W 67TH ST	4810 W 67TH ST	PRAIRIE VILLAGE, KS 6620
13	OP07500001 0015	16,706	0.38	6619 HODGES DR	6619 HODGES DR	PRAIRIE VILLAGE, KS 6620
14	OP13000002 0014	17,726	0.41	4608 W 67TH ST	4608 W 67TH ST	PRAIRIE VILLAGE, KS 6620
15	OP55000010 0018A	9,407	0.22	6701 ROE AVE	6701 ROE AVE	PRAIRIE VILLAGE, KS 6620
16	OP55000010 0018B	7,501	0.17	6705 ROE AVE	6705 ROE AVE	PRAIRIE VILLAGE, KS 6620
17	OP55000010 0019	7,502	0.17	6711 ROE AVE	6711 ROE AVE	PRAIRIE VILLAGE, KS 6620
18	OP55000010 0020	8,314	0.19	6719 ROE AVE	6118 REINHARDT DR	FAIRWAY, KS 66205
19	OP55000010 0021	11,438	0.26	6725 ROE AVE	6725 ROE AVE	PRAIRIE VILLAGE, KS 6620
20	OP55000010 0022	7,877	0.18	6731 ROE AVE	6731 ROE AVE	PRAIRIE VILLAGE, KS 6620
21	OP55000010 0023	7,876	0.18	6735 ROE AVE	6735 ROE AVE	PRAIRIE VILLAGE, KS 6620
22	OP55000010 0024A	7,751	0.18	6739 ROE AVE	6739 ROE AVE	PRAIRIE VILLAGE, KS 6620
23	OP55000010 0024B	7,877	0.18	6743 ROE AVE	12850 PEMBROKE CIR	LEAWOOD, KS 66209
24	OF251216-2013	30,699	0.70	4810 W 68TH ST	4810 W 68TH ST	PRAIRIE VILLAGE, KS 6620
25	OF251216-2014	22,838	0.52	6740 ROE AVE	6740 ROE AVE	PRAIRIE VILLAGE, KS 6620
26	OF251216-2015	31,978	0.73	4806 W 68TH ST	4806 W 68TH ST	PRAIRIE VILLAGE, KS 6620
27	OF251216-2016	16,352	0.38	4700 W 68TH ST	13516 SPINNING WHEEL DR	GERMANTOWN, MD 20874

Total Area of Parcels: 12.87 acres (560,750 ft²)

Selected Property

4.05

20% = 2.59 acres

MAYOR'S ANNOUNCEMENTS

Monday, June 2, 2008

Committee meetings scheduled for the next two weeks include:

Planning Commission	06/03/2008	7:00 p.m.
Council Committee of the Whole	06/09/2008	6:00 p.m.
Sister City	06/09/2008	7:00 p.m.
Steering Committee	06/10/2008	7:00 p.m.
Park & Recreation Committee	06/11/2008	7:00 p.m.
Council Committee of the Whole	06/16/2008	6:00 p.m.
City Council	06/16/2008	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to feature a digital art exhibit by Steve Karol in the R. G. Endres Gallery for the month of June. The reception will be held on June 13th from 6:30 to 7:30 p.m.

National League of Cities Conference, November 11-15 in Orlando, FL. RSVP to Jeanne Koontz if you would like to attend. jkoontz@pvkansas.com

Council Photos, Monday June 16th, 5:00 - 6:00 pm in the Council Chambers.

Recreation memberships are on sale at the City Clerk's office.

Prairie Village Gift Cards are on sale at the Municipal Building. This is a great way to encourage others to "Shop Prairie Village."

The 50th Anniversary books, **Prairie Village Our Story**, are being sold to the public.

INFORMATIONAL ITEMS

June 2, 2008

1. Board of Zoning Appeals Agenda - June 3, 2008
2. Planning Commission Agenda - June 3, 2008
3. Board of Zoning Appeals & Planning Commission Actions - May 6, 2008
4. Board of Zoning Appeals Minutes - September 4, 2007
5. Planning Commission Minutes - April 1, 2008
6. Council Committee of the Whole Minutes - May 5, 2008
7. Tree Board Minutes - May 7, 2008
8. City Island Committee Minutes - April 30, 2008
9. Prairie Village Arts Council Minutes - April 16, 2008
10. VillageFest Committee Minutes - March 27, 2008
11. VillageFest Committee Minutes - April 24, 2008
12. Prairie Village Environmental Committee Minutes - April 30, 2008
13. Thank you letter from KSHSAA Executive Director for use of tennis courts
14. Mark Your Calendars
15. Committee Agenda

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
AGENDA
TUESDAY, JUNE 3, 2008
6:30 P.M.
Council Chambers**

- I. ROLL CALL
- II. APPROVAL OF MINUTES - May 6, 2008
- III. ACTION ITEM
 - BZA2008-02 Request for a Variance from P.V.M.C. 19.06.025
For the extension of 2-car garage to allow for the
construction of a laundry room in the former garage
space for property located at
5340 West 64th Street
Zoning: R-1a - Single Family Residential
Applicant: George Lafferty for Don & Barbara
Wigger
- IV. NEW BUSINESS
- V. OLD BUSINESS
- VI. ADJOURNMENT

Council members may be present at this meeting

If you can not be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
MUNICIPAL BUILDING - 7700 MISSION ROAD
TUESDAY, JUNE 3, 2008
Council Chambers
7:00 P. M.**

I. ROLL CALL

II. APPROVAL OF PC MINUTES - May 6, 2008

III. PUBLIC HEARINGS

IV. NON-PUBLIC HEARINGS

- PC2008-106 Request for Building Line Modification
Front Setback from 40 to 30 & Side setback from 30 to 15
4414 Homestead Drive
Zoning: R-1a
Applicant: Kurt Ellenberger (WITHDRAWN BY APPLICANT)**
- PC2008-108 Request for Building Line Modification
Front Setback from 60 to 48 feet
4306 West 89th Street
Zoning: R-1a
Applicant: Nicki Adams Morrisey (WITHDRAWN BY APPLICANT)**
- PC2008-109 Request for Building Line Modification
Front Setback from 38 to 28 feet
5320 West 64th Street
Zoning: R-1a
Applicant: George Lafferty for Don & Barbara Wigger**
- PC2008-110 Temporary Use Permit for Retail Sales
3848 West 75th Street
Zoning: C-0
Applicant: Rob & Paula Leigh, Delaware Interiors**

**V. OTHER BUSINESS
Update on Cell Tower Policy vs Regulations**

VI. ADJOURNMENT

Plans available at City Hall if applicable

If you can not be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

***Any Commission members having a conflict of interest, shall acknowledge that conflict prior to the hearing of an application, shall not participate in the hearing or discussion, shall not vote on the issue and shall vacate their position at the table until the conclusion of the hearing.**

**Board of Zoning Appeals &
Planning Commission Actions**

Tuesday, May 6, 2008

**BZA2008-01 Request for Variance to locate a standby generator in side yard at 4207
West 92nd Terrace**

The variance was granted allowing the placement of a standby generator in the side yard as presented subject to the following conditions:

- 1) That the maximum noise level be 68-db and as much noise reduction as possible be incorporated into the unit.
- 2) That the generator testing only occur between the hours of 8 a.m. and 6 p.m.
- 3) That the generator meets all the requirements of 19.34.040(F).

PC2008-106 Request for Building Line Modification at 4414 Homestead Drive

This application was continued to the June 3, 2008 meeting of the Planning Commission at the request of the applicant.

**PC2008-107 Request for Site Plan Approval for permanent stand-by generator - 4500
West 89th Street**

The application was approved subject to the following conditions:

- 1) The generator will be located on the north/rear of the building.
- 2) The generator shall be connected to a natural gas line.
- 3) The generator shall only be tested between the hours of 8 a.m. & 5 p.m.
- 4) The generator shall be installed in accordance with FNPA 37.
- 5) The generator will provide sound attenuation at a Level 2 which is 75 db.
- 6) The applicant will provide a detailed drawing of the fence enclosure for staff review.

**PC2008-02 Request for Special Use Permit for Telecommunications Tower & Related
Equipment at 4805 West 67th Street**

This Planning Commission moved to recommend the City Council deny this application.

**PC2008-03 Request for Rezoning from R-1a to MXD "Mixed Use District" the property
at 91st & Nall commonly known as the Meadowbrook Golf Course**

The Planning Commission moved to recommend the City Council approve the rezoning from R-1a to MXD for this property and approve the preliminary development plan subject to the following conditions:

- 1) The applicant submit and outdoor lighting plan in accordance with outdoor lighting regulations 19.34.050.
- 2) The applicant submit detailed plans for the monument sign facades with the final development plan.
- 3) The applicant obtain approval from the City of Prairie Village Public Works Department and the City of Overland Park for the stormwater management plan prior to submitting the final development plan .

- 4) The applicant submit a copy of the final covenant documents preserving the open space and guaranteeing maintenance of improvements with the final development plan.
- 5) The applicant submit a detailed landscape plan with the final development plan for review and approval by the Planning Commission and the Tree Board.
- 6) The applicant provide better pedestrian access to the commercial area to the south.
- 7) The golf course entrance road be a private street.
- 8) The split rail fence along Nall Avenue be relocated so as not to cause sight problems for traffic exiting onto Nall Avenue.

PC2008-04 Request to Amend Special Use Permit for the Expansion of a Veterinary Clinic at 8825 Roe Avenue

The Planning Commission moved to recommend the City Council amend the existing Special Use Permit for a Veterinary Clinic at 8825 Avenue to include 8823 Roe Avenue subject to the following conditions:

- 1) The holder of this Special Use Permit comply with all provisions of Chapter 19.28 of the Prairie Village Municipal Code pertaining to special uses.
- 2) That the property will not be used in any manner that is in conflict with the ordinances of the City of Prairie Village, Kansas, statutes of the State of Kansas, and any and all other applicable Laws and regulations.
- 3) The City at all times retain jurisdiction of determining if the actual use of the property complies with the uses as defined in said ordinance, with the requirements of the Prairie Village Planning Commission and with representations made at the time of the public hearing on said application, including, but not limited to, that boarding of animals will be limited only to medical care and observation.
- 4) That the permission hereby granted to operate a veterinary clinic on the above described property shall automatically and without further notice expire upon the termination of the lease to provide veterinary services at the above referenced location.
- 5) If this permit is found not to be in compliance with the terms of the approval of the SUP it will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected.

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, SEPTEMBER 4, 2007**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, September 4, 2007, in the Multi-Purpose Room of the Municipal Building. Chairman Robb McKim called the meeting to order at 6:30 p.m. with the following members present: Randy Kronblad, Marlene Nagel, Nancy Vennard, Marc Russell and Ken Vaughn. Also present in their advisory capacity to the Board of Zoning Appeals were: Ron Williamson, Planning Consultant, Jim Brown, Building Official and Joyce Hagen Mundy, Board Secretary.

APPROVAL OF MINUTES

Ken Vaughn moved to approve minutes of February 6, 2007 as written. The motion was seconded by Randy Kronblad and passed by a vote of 5 to 0 with Marlene Nagel abstaining.

**BZA2007-02 Request for a Variance from P.V.M.C. 19.08.030 B for a Side Yard Setback reduction from 25 feet to 15 feet
4529 West 65th Street
Zoning: R-1a
Applicant: Jamie Dailey**

Chairman Robb McKim reviewed the procedures for the public hearing. The Board Secretary confirmed that the Notice of Public Hearing was published in the Johnson County Legal Record on Tuesday, August 14, 2007 and all property owners within 200' were mailed notices of the hearing.

Chairman Robb McKim opened the hearing:

Jamie Dailey, 4529 West 65th Street, stated he is proposing to expand the existing ranch by adding a partial second floor, additional square feet to the ground floor and a screened in porch which is open on two sides. A portion of the screened in porch protrudes into the 25-foot side yard setback approximately 7.5 feet and he is requesting a variance for that portion of the screened in porch that will encroach the side yard setback. Mr. Dailey noted the lot located on the southwest corner of 65th Street and 65th Street Court which has a 35-foot platted front setback adjacent to 65th Street and a 25-foot platted setback adjacent to 65th Street Court.

Jon Shutt, 8604 Sagamore, architect for the project reviewed the proposed plans for the additions to the home. Mr. Shutt noted the proposed porch allows for the natural continuation of the existing roofline. Jamie Dailey stated all the neighboring property owners have reviewed the plans and are supportive of the proposed expansion.

Ron Williamson explained the platted setback line for the adjacent lot does not parallel the current right-of-way of the cul-de-sac as is typically done, but is a straight line measured off the side property lines. It appears that the setback at its closest point to the right-of way of the cul-de-sac is approximately 35 feet. He noted under the usual establishment of the setback lines a variance would not be required.

The R-1a side yard requirement reads as follows:

- B. Side yards on the street side of corner lots shall be not less than fifteen (15) feet or not less than one half of the depth of the front yard on any adjacent lot which faces on the same street, whichever provides the greater setback.

With no one else wishing to address the Board, the public hearing was closed at 6:40 p.m.

The Board reviewed the criteria required for the granting of a variance.

A. Uniqueness

That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property or the applicant.

This lot has a very unusual shape and has a significant change in elevation that dictated the original location of the house. By the time all the setbacks are applied there is very little flat area available for building. It was also noted that the platted setback on the adjacent lot to the west is measured 50 feet at the side lot line and does not parallel the right-of-way of the cul-de-sac. If the setback would have been platted with a uniform 35-foot front setback as this lot has the side yard setback would have been 17.5 feet and the variance would not be needed.

In order for a property to meet the condition of uniqueness, it must have some peculiar physical surroundings, shape or topographical condition that would result in a practical difficulty as distinguished from a mere inconvenience to utilize the property without granting the variance. This property has those characteristics and therefore meets the condition of uniqueness.

Ken Vaughn moved that the Board find favorably on Condition A relative to Uniqueness. The motion was seconded by Marlene Nagel and passed unanimously.

B. Adjacent Property

That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residences.

The granting of the variance would not adversely affect the rights of adjacent property owners. The dwelling to the north is not affected by this request and the dwelling to the west sets significantly higher than this dwelling and is a significant distance away from it. The applicant has met with the adjacent owners and they have not indicated any opposition.

Marlene Nagel noted both the neighbors and the Homes Association are supportive of the proposed expansion. Ken Vaughn moved that the Board find favorably on Condition B relative to impact on Adjacent Property. The motion was seconded by Marlene Nagel and passed unanimously.

C. Hardship

That the strict application of the provisions of these regulations from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.

Because of the unusual configuration of the lot and the grade change, there is a limited amount of area on the lot available for building. This is the only reasonable location for the screened in porch based on the existing structure. Also, the porch will allow the construction of a uniform roof line that will be more compatible with the proposed addition as well as being more aesthetically pleasing. The strict application of the regulations would prevent the applicant from a reasonable use of the lot and therefore would constitute an unnecessary hardship.

Nancy Vennard stated because of the grade of the lot the setback creates an unreasonable hardship and moved that the Board find favorably on Condition C relative to the creation of an unnecessary Hardship. The motion was seconded by Ken Vaughn and passed unanimously.

D. Public Interest

That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The proposed screened in porch would encroach approximately eight feet into the side yard setback, but the remaining side yard setback would still be 17 feet which is a wider setback than most corner lots. The zoning standard for side yard setbacks is 15 feet for corner lots. Therefore, the granting of the variance would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Randy Kronblad moved that the Board find favorably on Condition D relative to the impact on the Public Interest. The motion was seconded by Marlene Nagel and passed unanimously.

E. Spirit and Intent of the Regulation

The granting of the variance desired would not be opposed to the general spirit and intent of these regulations.

The general spirit and intent of the zoning regulations is to provide an adequate side yard setback on corner lots so that there is open space and views are not blocked at the intersection. These goals are still being attained with the setback reduction to 17 feet; therefore, the granting of the variance would not be opposed to the general spirit and intent of the regulations.

Ken Vaughn moved that the Board find favorably on Condition E that the variance meets the Spirit and Intent of the regulations. The motion was seconded by Randy Kronblad and passed unanimously.

Ken Vaughn moved that the Board having found favorably on all five conditions approve BZA Application 2007-02 for the requested variance from PVMC 19.08.030B to reduce the side yard setback to 17 feet for the construction of the screened in porch only as shown on the site plan submitted with this application. The motion was seconded by Marc Russell and passed unanimously.

**BZA2007-03 Request for a Variance from P.V.M.C. 19.06.035 for a Rear
Yard Setback reduction from 25 feet to 10 feet
8321 Reinhardt
Zoning: R-1a
Applicant Gus & Linda Breyspraak**

The Board Secretary confirmed that the Notice of Public Hearing was published in the Johnson County Legal Record on Tuesday, August 14, 2007 and all property owners within 200' were mailed notices of the hearing.

Chairman Robb McKim called upon the applicant and opened the public hearing at 6:40 p.m.

Gus Breyspraak, 8321 Reinhardt and Lynn Gentry, 128 South Chestnut, with Gentry Design addressed the Board

Gus Breyspraak stated they are requesting a rear yard variance of 15 feet in order to add a 13' x 18' room to enlarge the master bath and closet area to their Drummond house constructed in 1955 on a slab. They are also seeking to add a pre-built structure about 4 'x 6' that will be included in the closet area and serve as a tornado safe room.

Lynn Gentry noted the expansion will extend to the end of the existing structure and be compatible with the design of the home. The expansion will not take the house any closer to neighboring structures than the existing home.

Ron Williamson stated this lot is located on a street segment that is somewhat similar to a cul-de-sac; however, it is a loop off of the street, which is referred to

as a circle inlet or eyebrow. The construction of the eyebrow created an unusual situation for this lot. The south side lot line is only 99.32 feet deep and the west side lot line is only 83.41 feet deep, which is less than minimum requirement of 125 feet as set out in the R-1a District Regulations. The lot is large, 17,910 square feet, however, when the 30-foot front setback and the 25-foot rear yard setbacks are applied, the buildable area is limited. The house was not well placed on the lot to accommodate future expansion. It should also be pointed out that there are several large mature trees on the lot and the proposed addition will not affect them.

Ron Williamson noted the site plan shows corners of the existing structure encroaching on the setback and recommended they be included in the variance. Mr. Williamson advised the Board the garage extension at the front of the structure was granted a variance by the City in 1998.

With no one else wishing to address the Board, the public hearing was closed at 6:50 p.m.

The Board reviewed the criteria required for the granting of a variance.

A. Uniqueness

That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property or the applicant.

This lot is unique because the eyebrow cul-de-sac and the south and west side property lines that were approved are 99.32 feet and 83.41 feet in depth rather than the minimum required 125 feet in depth. This created an unusually shaped lot with a limited building envelope. There also are some large trees on the property and the new addition is placed so that it will not damage the mature trees. Had this lot been platted at the 125-foot depth, the applicant would have had more than enough area to build the addition without a variance.

Ken Vaughn noted the shape of this lot severely limits the buildable area and moved that the Board find favorably on Condition A relative to Uniqueness. The motion was seconded by Marlene Nagel and passed unanimously.

B. Adjacent Property

That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residences.

The addition is proposed to be built on the north side of the dwelling, which will be adjacent to the cemetery and therefore will not adversely affect the rights of that property. The proposed addition will be at least 60 feet from either the east or west property lines and will not have any adverse effects on the adjacent lots. Therefore, it does not appear that any of the adjacent properties would be adversely affected.

Randy Kronblad noted the dwellings on the adjacent properties are a significant distance from the proposed expansion and moved that the Board find favorably on Condition B relative to impact on Adjacent Property. The motion was seconded by Ken Vaughn and passed unanimously.

C. Hardship

That the strict application of the provisions of these regulations from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.

The expansion of the master bath needs to occur at the location of the existing master bath. If the variance is not granted the applicant would not be able to expand the bathroom. Since the house is built on a slab, the tornado safe room must be built at grade. There are limited locations that could accommodate this addition and this is the best location based on the floor plan of the house. If the applicant is not able to expand the master bath and build the tornado safe room, it would constitute an unnecessary hardship.

Marlene Nagel moved that the Board find favorably on Condition C relative to the creation of an unnecessary Hardship. The motion was seconded by Ken Vaughn and passed unanimously.

D. Public Interest

That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The proposed expansion of the master bath and tornado safe room would not impair the views of any adjacent residents or adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Ken Vaughn moved that the Board find favorably on Condition D relative to the impact on the Public Interest. The motion was seconded by Marlene Nagel and passed unanimously.

E. Spirit and Intent of the Regulation

The granting of the variance desired would not be opposed to the general spirit and intent of these regulations.

The general spirit and intent of the zoning regulations is to ensure that there is adequate distance between the rear of abutting dwellings so that adequate open space is available and the living areas of individuals do not encroach on the living area of their neighbors. In this instance, the rear lot abuts a cemetery and is screened with a six foot solid wood fence so there is no encroachment on adjacent residences. The lot is large and with the addition, the house will only cover 20.1% of the lot. Adequate open space will still be provided and therefore the granting of the variance would not be opposed to general spirit and intent of the regulations.

Randy Kronblad moved that the Board find favorably on Condition E that the variance meets the Spirit and Intent of the regulations. The motion was seconded by Marc Russell and passed unanimously.

Ken Vaughn moved that the Board having found favorably on all five conditions approve BZA Application 2007-03 for the requested variance from PVMC 19.06.035 to reduce the rear side yard setback to ten feet for the proposed construction as shown on the site plan submitted with this application and grant a variance on any portion of the existing structure on the east side that encroaches the established 25 foot setback. The motion was seconded by Randy Kronblad and passed unanimously.

NEW BUSINESS

There was no New Business to come before the Board.

OLD BUSINESS

There was no Old Business to come before the Board.

ADJOURNMENT

Ken Vaughn moved to adjourn the meeting of the Board of Zoning Appeals. The motion was seconded by Randy Kronblad and passed unanimously with the meeting being adjourned at 7:00 p.m.

Robb McKim
Chairman

**PLANNING COMMISSION MINUTES
MEETING OF APRIL 1, 2008**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, April 1, 2008 in the Council Chamber, 7700 Mission Road. Vice-Chairman Bob Lindeblad called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Robb McKim, Marc Russell, Marlene Nagel & Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Pat Daniels, Council Liaison; Bob Pryzby, Director of Public Works; Dennis Enslinger, Assistant City Administrator; Chief of Police Wes Jordan, Jim Brown, City Building Official and Joyce Hagen Mundy, Planning Commission Secretary.

APPROVAL OF MINUTES

Nancy Vennard moved the Planning Commission minutes of March 4, 2008 be approved as written. The motion was seconded by Marlene Nagel and passed unanimously with Commissioners Robb McKim, Randy Kronblad & Marc Russell abstaining as they were absent from the meeting.

NON-PUBLIC HEARINGS

**PC2008-106 Request for Building Line Modification
Front Setback from 40 to 30 & Side setback from 30 to 15
4414 Homestead Drive**

Ron Williamson stated the applicant has requested this item be continued to the May 6th meeting of the Commission to allow them to prepare more detailed plans showing the specific building line modification being requested.

Marlene Nagel moved the Planning Commission continue PC2008-106 to the May 6th Planning Commission and directed the applicant to notify the surrounding residents of the change in meeting date. The motion was seconded by Randy Kronblad and passed unanimously.

PUBLIC HEARINGS

Bob Lindeblad stated he has a conflict of interest on application PC2008-02 as a member of the church on which the proposed tower is located. He stated he would therefore recuse himself from the meeting, requiring the selection of a temporary chairman for this application.

Marlene Nagel moved Randy Kronblad be selected as Chairman Pro Tem during the consideration of PC2008-02. The motion was seconded by Robb McKim and passed unanimously.

Bob Lindeblad left the meeting and Mr. Kronblad assumed the Chair.

**PC2008-02 Request for Special Use Permit for a
Telecommunications Tower & Related Equipment
4805 West 67th Street**

Jess Louk, with Selective Site Consultants, 8500 West 110th St., #300, addressed the Commission on behalf of T-Mobile. Mr. Louk stated a meeting was held on February 12th to present this application to the surrounding property owners. Approximately 60 letters were mailed out with 15 individuals attending the meeting. Only one resident expressed opposition to the project. An additional mailing was sent out after the meeting. Just prior to the March meeting of the Commission, the applicant learned of additional opposition to their proposal.

Mr. Louk stated among the concerns addressed was the impact on property values. They have hired an independent appraiser to conduct a study to address this concern and also want to have an additional neighborhood meeting. Therefore, they respectfully request this application be continued to the May 6th meeting of the Planning Commission to allow time to complete the study and meet with the neighbors.

Casey Housley, 4900 West 68th Street, addressed the Commission expressing his objection to the continuation stating this is the second continuation and will allow the cell company an unfair advantage in preparing its response and presentation. Mr. Housley noted the difficulty experienced by these continuations in coordinating and informing neighboring residents wanting to speak at the hearing. Mr. Housley stated he had not received any notice of the public hearing although he was not within the 200' required notice area. Based on his communications with the applicant, he believes the extra time is not in order to respond to community concerns but to strengthen their application and asked that the hearing be conducted as scheduled. Mr. Housley stated they are prepared to address the application.

Ron Williamson stated the first continuation was at the request of the Commission as it was not able to convene a quorum for consideration of the application. He noted if the continuance is granted, the applicant will be required to re-notify the property owners of the new hearing date.

Mary Cordill, 4904 West 68th Street, noted the neighborhood has known of this plan for only two and a half months, although the applicant stated they have been studying the site for three years. She stated the continuance places a tremendous burden on the residents to keep others informed and get them to meetings. She noted the initial neighborhood meeting was held on a snowy evening with only 4 direct neighbors attending.

Marlene Nagel stated she appreciated the concerns expressed; however, she has equal concerns for those who are not present because they were notified that a continuance was requested. She feels it would not be appropriate to hear the application at this time.

Nancy Vennard stated the Commission members were notified of the requested continuation and with the large agenda before them did not spend time studying and

reviewing the plans on this application and therefore they are not prepared to hear the application at this time.

Nancy Vennard moved application PC2008-02 be continued to the May 6th meeting of the Planning Commission and directed the applicant to notify applicable property owners of the changed hearing date. The motion was seconded Robb McKim seconded the motion which was voted on and passed by a vote of 5 to 0.

Marlene Nagel confirmed notification is required by first class mail.

Vice-Chairman Bob Lindeblad assumed the chair.

OTHER BUSINESS

Discussion of Policy on Office Complex Signs

Mr. Williamson stated at its regular meeting on March 4, 2008, the Planning Commission considered a policy or guidelines for applicants when approving Sign Standards for projects. This policy would address multi-tenant office buildings where sign standards are applicable, not stand alone single businesses. The proposed guidelines address issues faced by the Commission on façade signs and monument signs. The regulations allow the Commission to approve deviations to the sign regulations for sign standards and it has done so. However, the Commission felt guidelines as to the degree of variation from the regulations would be helpful to the applicants as well as provide a level of consistency.

Currently a façade sign is only allowed to a tenant with an exterior entrance. The proposed policy states: "One sign may be permitted per façade with no requirement that the tenant has direct outside entrance or that the sign be adjacent to its space".

Another request commonly received is for additional text on monument signs. Monument signs are currently limited to "the name and address of the building or business and may include an additional line of text that describes services". The proposed policy states: "That text not be restricted on monument signs provided the sign is designed and built primarily of brick, stone and masonry, complements the building and does not include a case or enclosed cabinet design."

Mr. Williamson noted additional guidelines can be added at the discretion of the Commission or these guidelines changed as they are being adopted as a policy.

Robb McKim asked what the rationale was for requiring the façade sign to be adjacent to the space occupied. Mr. Williamson stated this was an incremental enhancement made to the regulations to allow additional façade signage for multi-tenant buildings, yet to limit the amount by having to meet specific conditions. Prior to that change only one sign was allowed per building façade and it was for the primary tenant.

Bob Lindeblad stated the proposed guidelines are more in line with the sign regulations of neighboring cities based on Mr. Williamson's research. Randy Kronblad confirmed only one sign is allowed per façade. Nancy Vennard confirmed this applies to commercial office developments only, not retail buildings.

Marc Russell questioned the text not being restricted. Mr. Lindeblad stated since all monument signs have to receive Planning Commission approval, the Commission must approve the text and the amount of text.

Ron Williamson stated he felt this would address the needs of the large number of small businesses located within the City who are looking for more visibility for their businesses.

Marc Russell moved the Planning Commission adopt the proposed guidelines for business and monument signs as proposed. The motion was seconded by Marlene Nagel and passed unanimously.

Upcoming Agenda

The Planning Commission secretary announced two applications have been filed for the Board of Zoning Appeals, so they would meet at 6:30 p.m. on the 6th. The filing deadline for the May meeting is this coming Friday, so additional applications may be filed. Currently the agenda will include the two continued items. However, it is anticipated that the Veterinary Clinic at 8823 will file for an amendment to their Special Use Permit and the Conditional Use Permit for Delaware Interiors will expire in April and needs to be renewed.

Ron Williamson stated the City Council is requesting the Planning Commission review its current Cell Tower Policy. Bob Lindeblad stated this would be done following the conclusion of the application on file and would not impact the application on file.

Vice-Chairman Bob Lindeblad announced the public hearing for PC2008-03 requested rezoning is scheduled for 8 p.m. and with no further business to consider recessed the Commission meeting until 8 p.m.

Bob Lindeblad reconvened the Planning Commission meeting at 8 p.m.

PUBLIC HEARINGS - 8:00 p.m.

**PC2008-03 Request for Rezoning from R-1a (Single Family Residential)
To MXD (Mixed Use District) Meadowbrook Country Club
Property at 91st & Nall**

Bob Lindeblad reviewed the procedures that would be followed during the Public Hearing and consideration by the Planning Commission. He reminded Commission members to speak into their microphones so all present can hear their comments.

Rich Muller, 8600 Mohawk Road, Leawood, addressed the Commission on behalf of the applicant, OPUS Northwest. He reviewed the original proposal and summarized the concerns that were addressed. The new proposal addresses the concerns expressed by the residents and staff regarding their previous application as follows:

- The Stratford Senior Living building has been relocated to the southwest corner of the site.
- The Stratford has been reduced in height from a 5 to 6 story building to a 3-story building on the west and 4-stories on the east . However, he noted this resulted in 70% more land taken by this building. This has caused the town homes to be removed from the plan.
- The Stratford building is more residential in character.

- The Condominium buildings have increased from four-stories to five-stories to accommodate penthouse units.
- The entrance road to the golf course and condominiums has been moved further east and is located between Rosewood and Birch.

Mr. Muller reviewed the history of the proposed Stratford which was initially 7-stories or 122' in height; then reduced to 5 to 6-stories and 89' in height; and now proposed at 3 stories, or 46' in height. There are no high-rises being proposed.

The style and character of the Stratford has more of a residential feel. There are two entrances proposed and a service road loops around the building. Half of the parking is located underground in effort to preserve as much green space as possible. The closest point to a residential home is 190' across a four-lane roadway. It is setback slightly more from Nall than the original submittal.

Mr. Muller presented a cross section showing the relationship between a residential property located directly across from the Stratford a distance of approximately 240' and reflecting the front entrance of the house and the Stratford to be approximately 2 feet different in elevation.

Traffic

By no longer consolidating the development into one point of entrance. The traffic on Somerset is essentially cut in half. Their traffic study and that of Overland Park showed traffic volumes on Nall south of the Somerset intersection have been declining with Nall operating below its designed capacity. The proposed development will increase traffic on Nall by approximately three percent and will not adversely affect traffic flow or traffic safety.

One of the issues raised by staff relates to the sight distance from the southern most entrance. Mr. Muller showed a slide reflecting the sight distance study they conducted based on the posted speed of Nall at 35 miles per hour which requires a sight distance of 412 feet. The sight distance provided by their plan is 460 feet. In reviewing this issue, accident reports were pulled for the two entrance locations and found no accidents reported since 2000 at the southern entrance and only three accidents from the other entrance. Mr. Muller noted none of these accidents involved a turning movement.

Mr. Muller reviewed the proposed roadway improvements at Somerset and Nall. They will widen Somerset to the south on Club property to provide wider lanes and additional stacking distance for those turning left onto Nall. They will also be widening the turning radius from northbound Nall to eastbound Somerset. The proposed stacking distance for cars turning left will be increased from 70' to 250'. The entrance to the Club off Somerset is located about half way between Birch and Rosewood. The entrance has one lane in and two lanes out and provides some level of stacking for those people turning into the club. The proposed location will also discourage cut-through traffic on Rosewood to the north, which was a concern of the residents.

GreenSpace

The preservation of greenspace complicates the design of this project, but is critical to success of the project and to the City. One of things they are trying to do in the process

is to place a deed restriction over the entire property that basically prohibits future development at this site. This adds stability to the site and another layer of difficulty in the process of changing what happens on this site.

Mr. Muller noted this is very important to the Condo owners, who may have purchased based on the property being surrounded by a golf course. It has been discussed to have these restrictions on into perpetuity. Others have suggested a sunset date. They are open to the concept of a sunset date provided they can include the condo owners association's approval for the changing of the deed restrictions.

The former proposal had a rezoning boundary that included only the land that was being changed. The proposed rezoning is for the entire site. By a planned rezoning of the entire site, everyone surrounding the site has assurance that what is seen on the final development plan is what they will get. If in the future another developer comes along, they will be required to follow the same open public process to make any change. The zoning of the entire site and deed restrictions offer a level of protection and stability to this site.

Mixed Use

Rich Muller feels this is mixed use zoning as it does place emphasis on increased density through vertical integration of uses. Because of the need to maintain greenspace, he feels consideration should also be given to a horizontal mixed of uses at this point. He acknowledged this is primarily a mixed residential development with a substantial recreational use component. He feels what it lacks in commercial and retail uses it makes up for in its close proximity to these uses. If you look at the density of the Stratford, the short distance to the condominium units and the short distance to the commercial/retail development to the south, you have the intent of the MXD zoning by putting these together.

There is a pedestrian connectivity plan with a path between the Stratford and the Condos and to the commercial area to the south by an internal sidewalk along the perimeters. He acknowledged this is not a strong connectivity; however, he sees this development as a first and necessary stage to capturing the rest of the area property and creating a larger overall district of mixed uses. He feels this initial investment will bring enough stability to attract additional investment with the demographics to support additional investment in the 95th & Nall area

Property Values & Village Vision

Mr. Muller feels this proposal addresses two major components of the Village Vision by providing different housing options within the city. It increases housing stock in a landlocked community by providing 96 condominium units, 232 senior living units while freeing up existing single-family homes for young families. This plan will bring a substantial property tax increase to the City without sacrificing 136 acres of green space. He feels the quality of the project will attract notoriety, visitors and investment by others. This development will serve as a catalyst for future development at 95th & Nall.

Mr. Muller stated he felt the time is right for this development which will also support the existing business that employs residents of the city. He stated some type of development will happen on this site. The Club has actively pursued solutions that would allow it to remain.

In closing, Rich Muller stated this project will preserve property values, add housing stock options, address declining school enrollment and increase the city's tax base. Stratford feels there is a strong market for their housing product. This is a unique opportunity for a unique in-fill site. Mr. Muller noted they had read the staff report and agree with all the stipulations recommended by Mr. Williamson with the exception of #8 which they would like to discuss.

Nancy Vennard stated the number of parking spaces is confusing and asked for clarification. The plans show 174 underground parking spaces and 175 surface parking spaces for a total of 349. The required parking by City regulations is 104 spaces plus 1 space per employee. She feels there is a large amount of surface parking provided and questioned if it was needed.

Steve Armstrong, Chief Construction Officer for the Stratford companies, replied they have established specific parking requirements for their developments. He noted this is an active independent senior living center and most couples move into the center with two vehicles. They allow one covered space and one surface space per apartment. They also need to provide for staff and visitors. One of the concerns raised by residents was overflow parking in the streets. They want to make sure all parking is self-contained on site and properly screened and landscaped.

Mrs. Vennard responded they are providing almost twice the required number of spaces. Mr. Armstrong replied it is a significant number, but when you consider the 172 apartments and 60 assisted living units with a maximum shift size of 50 personnel, they feel it is necessary. Again noting this is independent living and initially the residents retain their cars, although later on this may change. They do not want to give up their mobility. They have found it very important to provide sufficient on-site parking.

Nancy Vennard noted the parking surface does not provide any additional greenspace than the minimum 15' required. She asked if the project could be moved to the east ten feet to provide more landscaping. She noted an 87' setback is not that great of the distance. Mr. Armstrong replied there may be some ways they could screen or add landscaped islands. They are willing to work with the City to minimize the impact of the surface parking.

Rich Horn, with Stratford, added in the southwest corner of the site they moved the parking area back to preserve the existing mature trees.

Robb McKim stated it appears that the grade on the upper end of the project is 36' higher than the grade below that and it appears that soil is being added raising the elevation to create one continuous first floor elevation. Mr. Muller stated this was correct. Mr. Armstrong added the natural grade from the southwest corner, which is the highest grade on the site, drops 20' as it goes to the east. Mr. McKim stated he was referencing a 36' drop from the south to the north.

Mr. McKim asked for the natural grade at ground level from the south to the north of the proposed building. It appears from the west elevation that a base is being constructed on which to set the building in order to create one continuous floor elevation.

Mr. Armstrong responded they are actually cutting into the slope in order to maintain the corner where the mature trees are located. A drive comes around and there will be a retaining wall so they can protect the elevation. The main entry level is at elevation 980.

Bob Lindeblad stated one of his concerns is that it is a level building, while Nall slopes. Is the parking going to be as flat as the first floor of the building or is the parking going to rise equal to Nall, below Nall, etc.

Mr. McKim reference sheet A21 showing the west elevation. He stated his question relates to the north end of the building and whether the north end of the building is rising above the natural or existing grade.

Harold Phelps, Phelp Engineering, stated looking at sheet C5 which shows the contours, the entry point is about elevation 976, while the point at the northwest corner of the building is about elevation 962, so there is about a 14 feet fall from the entry of the building to the corner. The building will have to come up to keep the floor elevations level. The building will be lower at the southern end of Nall and higher at the northern end. The parking lot grade will have to parallel the building.

Mr. Lindeblad asked if the northern end of the parking surface between 92nd Terrace and 92nd Place would be elevated above the existing Nall grade. Mr. Phelps stated he would expect it to be elevated some. The curb adjacent to the building will be fairly flat. The underground parking will be at different elevations.

Marlene Nagel asked if the pedestrian connection would be available for neighbors in the area to use the walking paths or are they restricted to the occupants of the development. Mr. Muller responded, this being an active golf course, they would be primarily be utilized by the residents with the exception of the public sidewalks fronting the street.

Randy Kronblad asked for more information on emergency and service vehicles coming into the site regarding turning radius etc. The turns off from Nall appear to be very tight.

Harold Phelps responded that one of the things brought up in the traffic study was that a larger radius be used for the main entrance for fire trucks and delivery trucks. They intend to follow the recommendation making it a 40 foot radius. They will also adjust the other entrance.

Bob Lindeblad asked for the square footage of the floor area of the Stratford Building. Mr. Muller responded it is approximately 400,000 square feet.

Mr. Lindeblad stated the City's Traffic Engineer's Report followed guidelines based on a 40 mile per hour speed of traffic and the design requirements for new road construction which requires a sight distance of 470 feet.

Mr. Muller responded they feel the 35 mph base is more appropriate based on the low volume and the low traffic accident data for the area. Mr. Lindeblad noted the City of Overland Park does not feel the sight distance is sufficient and voiced serious concerns with the access off Nall. Mr. Muller stated there may be things that could be done with the entrance to address those concerns.

Norm Bowers, Traffic Engineer for the applicant, noted based on the accident data they received, they felt the 35 mph base was appropriate. He noted using 40 mph base only adds 15 more feet of distance to that being proposed. He feels the higher standard is too strict. The real issue is where the left turn out only crosses two lanes of traffic.

Marc Russell asked the applicant's concerns with the 8th stipulation listed in the staff report. Rich Muller stated the entrance road from the beginning has been proposed as a public street and this is the first they've heard of making it a private street. They would like to have the opportunity to discuss this further with staff. He feels the underlying philosophy in determining such is emergency vehicle traffic. This is a single purpose road, it can not be used as a drive through roadway and has been designed to accommodate emergency vehicles.

Marlene Nagel noted the City's traffic study recommends the entrance road align with Rosewood. Rich Muller responded two issues caused the relocation of the entrance point: the first being the concerns of the neighboring residents that by relocating it, drive through traffic would increase on Rosewood. The second reason for the move is it was necessary for the redesign of the golf course.

Bob Lindeblad called upon Ron Williamson, City Planning Consultant for his review of the project and comments. The staff report prepared by Mr. Williamson follows:

At its regular meeting on November 6, 2007, the Planning Commission concluded its public hearing on the previous application and unanimously recommended to the City Council that the zoning and preliminary plan be denied primarily because the proposed six story building at the intersection of Nall Avenue and Somerset was out of character with the surrounding single-family neighborhood and the Commission did not feel that the proposal was consistent with the intent of Village Vision. The applicant withdrew the application after the meeting and did not present it to the City Council.

The applicant has revised the plan and submitted a new application for consideration by the Planning Commission and City Council. The major changes are as follows:

1. The Stratford Senior Living Building has been relocated to the southwest corner of the site. It has been reduced in height from five and six stories to three and four stories. The number of units has increased from 219 to 232 and the footprint of the building has increased in size.
2. The height of the two condominium buildings has increased from four stories to five stories, but the number of units is still 96.
3. The clubhouse has been moved further north away from the edge of the lake.
4. The entrance road to the golf course and condominiums has been moved further east so that it no longer aligns with Rosewood north of Somerset Drive.
5. The nine townhouse units have been deleted from the plan.

6. The application for rezoning includes the entire Meadowbrook Country Club property. Since the condominiums and senior living area are totally separated now, it is more appropriate to include the entire site.
7. The north access from the existing club house to Nail Avenue will be closed and two new access points are planned further south at 92nd Terrace and 92nd Place.
8. The traffic study has been updated and now the traffic that had been assigned to Somerset from Stratford is now assigned to Nail Avenue.

The applicant is proposing a mixed residential project combined with a rebuilding of the Meadow Brook Golf Course, swimming pool, tennis and clubhouse facilities. The existing clubhouse and swimming pool pavilion will be demolished and rebuilt. The swimming pool was recently renovated and a new pavilion will be built in that area. The new clubhouse, however, will be built near the condominiums on the north side of the lake.

The proposed project includes two housing types: condominiums and senior living. The proposed condominiums will be located near the lakes on the interior part of the site on 5.33 acres. There will be 96 units in two five-story buildings. The units will be one to three bedrooms with an average unit size of 1,750 sq. ft. Parking will be provided underground for 162 cars and 18 surface spaces will be provided for visitors, for a total of 180 spaces. The ordinance requires two spaces per dwelling unit, which is 192 spaces and therefore 12 additional off-street parking spaces will need to be provided.

The proposed senior living building (Stratford) will be located at the southwest corner of the site on 8.40 acres. The proposed building will be three and four stories high and contain 232 units which include 172 independent living units; 20 Alzheimer's living units (24 beds) and 40 assisted living units (48 beds). This will be a full service facility with wellness, spa, restaurant and lounge facilities. It will be similar in operation to Claridge Court. Parking will be provided underground for 174 spaces and surface for 175 spaces will be provided, for a total of 349 spaces. Required parking is 104 spaces for the units plus one space for each employee.

The two residential uses will occupy 13.73 acres. The golf clubhouse and parking will occupy 2.84 acres, including 156 parking spaces. The swimming pool/tennis center, including 77 parking spaces, will occupy 3.80 acres. The net area of the site is 138.70 acres; after all the developed area is deducted, the net area of the actual golf course will be 118.33 acres.

Since this is the first application for this District, it might be appropriate to restate the Purpose and Intent which is as follows:

Purpose and Intent

The zoning of property to the MXD, Planned Mixed Use District, is intended to encourage a variety of land uses in closer proximity to one another than would be possible with more conventional zoning districts, to promote sustainable development with projects that achieve a high level of environmental sensitivity and energy efficiency, to encourage design and construction using Leadership in Energy and Environmental Design "LEED" principles and practices; and to encourage building configurations that

create a distinctive and memorable sense of place. Developments in this district are allowed and expected to have a mixture of residential, office and retail uses in a single structure or multiple structures along with public spaces, entertainment uses, and other specialty facilities that are compatible in both character and function and incorporate a coordinated consistent theme throughout the development. Developments are also expected to utilize shared parking facilities linked to multiple buildings and uses by an attractive and logical pedestrian network that places more emphasis on the quality of the pedestrian experience than is generally found in typical suburban development. Buildings are intended to be primarily multi-story structures with differing uses organized vertically rather than the horizontal separation of uses that commonly results form conventional zoning districts.

The applicant held two public information meetings on February 21st and 26th. Approximately 30 people attended the first meeting and 60 at the second meeting. Many of the questions asked were not related to zoning issues, but several were. The questions that are of concern to the rezoning application relate to traffic, access to Nall Avenue, access south to 94th Terrace, off-street parking, greenspace, setbacks, sewer service, location, height, and size of the Stratford building, design of the Stratford building, and project financing. The applicant responded to these questions as noted in the detailed meeting memorandums and for the most part satisfied the residents in attendance. Several of the items are addressed in more detail in this staff report.

In considering a change in zoning classification, the Planning Commission must consider a number of factors, commonly referred to as the “golden” factors, in approving or disapproving the request, and they are as follows:

1. The character of the neighborhood.

The existing neighborhood is characterized by low density single-family development to the east, north and west of the Country Club with office and commercial to the south. The golf course is a large open space that contains a significant amount of mature trees and water features. There also is a high voltage power transmission line that runs along the north side of the property from the electrical substation on Roe Avenue.

2. The zoning and uses of property nearby.

The application area is zoned R-1A with a Special Use Permit for a country club and is developed as a golf, swimming and tennis country club. The property to the north and east is zoned R-1A and is developed for single-family residences. The area to the south is zoned CP-1 and CP-0 and is developed for office and commercial uses. The area on the west side of Nall is in Overland Park and it is zoned R-1 Single-family and developed for single-family residential and a church.

3. The suitability of the property for the uses to which it has been restricted under its existing zoning.

The property currently has an approved special use permit for a country club which includes golf, swimming, tennis and support facilities. The property works well as a country club, but maintaining membership is always difficult as courses and population age. The clubhouse is over 30 years old and needs either major renovation or reconstruction. Sewer is available for this low intensity development but capacity is not available for complete development of the site. The existing use

is a low intensity use that provides a large greenspace for the community and is a real asset. The durability of the existing use, the country club, is of concern.

4. The extent that a change will detrimentally affect neighboring property.

The project will generate additional traffic on both Somerset Drive and Nall Avenue, but the street network has adequate capacity to accommodate it. The realignment of the main entrance east of Rosewood Drive will eliminate traffic driving north on Rosewood Drive, which was an objection of the neighbors. The applicant also has agreed to widen Somerset Drive at the intersection with Nall Avenue to improve traffic movement.

The question that is still raised by the neighbors is the height and size of the Stratford Senior Living Building. At its closest point the building sets back approximately 87 feet from the Nall Avenue right-of-way. The height and mass of this building versus open space preservation is one of the main issues that the Planning Commission will need to address. It was mentioned several times that the building should be located more interior on the site. Since it will be occupied by elderly people, the number of emergency calls will be greater and accessibility is more critical therefore a location near the major streets is important.

5. The length of time of any vacancy of the property.

The property is currently occupied by a country club, is not currently vacant and has not been vacant for over 30 years.

6. The relative gain to the public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners.

The approval of this development plan will provide a variety of housing choices to the residents of Prairie Village. The City is built out and there is very little opportunity to bring new housing to the market place. This project will not remove any existing homes from the inventory or cause any relocation. The hardship on neighboring landowners should be minimized through good planning, design and construction. The approval of this project will also provide for preservation of the golf course as open space for the future.

7. City Staff Recommendations.

The Preliminary Development Plan as submitted is a result of an analysis of the site and the potential market for residential development in Prairie Village. Several different plans have been prepared and this Plan has evolved over several months from that process. Staff has reviewed the Preliminary Development Plan and although there are some issues that still need to be addressed, it is Staff's opinion that the Plan is a workable one in that it provides higher intensity development as recommended in the Village Vision and it permanently preserves the open space of the golf course which has been a great concern to the community. The issues that still need to be addressed are as follows:

- a. The applicant will need to submit a preliminary outdoor lighting plan that is in accordance with the outdoor lighting regulations in the Zoning Ordinance.
- b. Signage has not been completely addressed for the project and detailed plans will need to be submitted for Planning Commission approval. The location of monument signs is shown on the Preliminary Development Plan, but the

- design of the signs depicting the materials and text will need to be completed and submitted for approval which can occur at the approval of the final plan.
- c. A Stormwater Water Management Plan has been prepared and since this site drains directly into the City of Overland Park, it is being coordinated with the City of Overland Park. Prior to consideration of the preliminary plat or final development plan, the Stormwater Management Plan must be approved by the Prairie Village Public Works Department with concurrence of the City of Overland Park.
 - d. The applicant needs to submit a copy of the final covenant documents to the City for comment prior to submitting the final development plan. The covenants need to specifically address the maintenance of the common areas and the preservation of the open space. A question was raised by the Planning Commission whether the open space preservation should have a termination at perhaps 25 years or whether it should be forever. This needs further discussion by the Commission.
 - e. The landscape plan is conceptual, which is adequate for this level of review, but a detailed Landscape Plan will need to be prepared and submitted with the final plan for review and approval of the Planning Commission and Tree Board.
 - f. The City of Overland Park Planning Staff has reviewed the plans and has several comments for consideration:
 - Screening: Consider reducing the amount of parking along Nall Avenue and provide a larger buffer area where additional plantings could be added. Stratford is providing nearly 1.5 spaces per dwelling unit which may be more than necessary.
 - Drainage: A recently completed Indian Creek Watershed Study shows that 50 or more residential structures immediately downstream are subject to flooding. (This is addressed in paragraph c above.) This stresses the importance of the necessity of a stormwater management plan.
 - Traffic: The concern is the site distance from the driveway opposite 92nd Place for left hand turns. It was pointed out that the driveway location only allows for 380 feet of sight distance to the south when the standard is 475 feet. The traffic study submitted by the applicant indicates that the sight distance to the south from the south driveway is 460 feet, and the required site distance is 416 feet. The City's Traffic Engineer has reviewed the Traffic Study and concurs with the applicant that the sight distance is adequate.
 - g. Parking areas - The parking lot at Stratford is approximately 575 feet long running parallel to Nall Avenue with no landscaping to break it up. The sidewalk adjacent to the parking lot curb should be wider. The five-foot width will be reduced to three feet because of vehicle overhang which is not adequate. It should be widened at least an additional two feet. It should also be noted that the off-street parking for the condominiums is less than required by the ordinance. Also ADA parking spaces need to be identified on the plans.
 - h. Golf Course Entrance Road - The golf course entrance road is approximately 1,200 feet in length from Somerset to the cul-de-sac. The subdivision regulations recommend that cul-de-sacs generally not exceed 500 feet. Since the applicant will be requesting incentives which will limit the tax revenue generated by this development, it is suggested that this road remain private

and be maintained by the Homes Association. The width of this road may not be adequate to accommodate fire trucks and other emergency vehicles.

- i. Access drives to Nall Avenue - The access drives to Nall Avenue are not adequate to accommodate emergency and delivery trucks. These need to be redesigned to accommodate trucks. Also the driveway around the building will need to be redesigned with turnarounds on the east side. Emergency vehicles will not be able to pass through the covered service area.

8. Conformance with the Comprehensive Plan

The Village Vision specifically addressed the redevelopment of the Meadowbrook Country Club. The recommendation was to develop a planned neighborhood with a mix of residential uses, open space and higher density. The items mentioned are as follows:

- Encourage potential developers to obtain community input. The developer has met with the Meadowbrook Country Club members numerous times to develop a concept plan. The developers have taken that plan to the neighbors for their comments and input. Meetings were held on February 21st and 26th. The Village Vision, however, outlined a more inclusive process for the citizen by which was more active than reactive.
- Allocate a portion of the site for public recreation/greenspace. The proposed development will occupy only 13.73 acres which will leave 124.97 acres for recreation/greenspace, which will be permanently preserved for greenspace through covenants.
- Assure Connectivity - Village Vision encourages both vehicular and pedestrian connectivity to be included in the redevelopment plan. There is neither vehicular nor pedestrian connectivity between the proposed residential uses and they have not been integrated into Meadowbrook Village Center. There is a five-foot sidewalk along the west side of the golf course entrance road that connects the condominiums, club house, and pool/tennis area. There is a sidewalk proposed along the east side of Nall Avenue, but a pedestrian connection needs to be made from the building to the southwest corner of the site. The condominiums have no pedestrian connectivity to the commercial areas to the south.
- Neo Traditional Neighborhood Design - The Village Vision identified this as an opportunity for a new neighborhood center with amenities such as open space that cannot be provided in other locations. It would be more of a new community with mixed use integrated rather than an assembly of different residential uses. It should be pointed out, however, that the Village Vision anticipated redevelopment of the entire county club and not just a small part.

RECOMMENDATIONS:

Prior to making its recommendation, the Planning Commission must make findings of fact based on the "golden factors" that have been set out in this staff report. The Planning Commission can recommend approval, approval subject to conditions or denial of the MXD rezoning and the Preliminary Development Plan. If the Planning Commission finds favorably on the findings of fact, it is recommended that it be subject to the following conditions:

1. The applicant submit an outdoor lighting plan in accordance with the outdoor lighting regulations with the final development plan.
2. The applicant submit detailed plans for the monument sign façades with the final development plan.
3. The applicant obtain approval from the City of Prairie Village Public Works Department and the City of Overland Park for the Stormwater Management Plan prior to submitting the final development plan.
4. The applicant submit a copy of proposed covenant documents preserving the open space and guaranteeing maintenance of improvements with the final development plan.
5. The applicant submit a detailed landscape plan with the final development plan for review and approval by the Planning Commission and Tree Board.
6. The applicant provide better pedestrian access to the commercial area to the south.
7. The applicant redesign the parking area at Stratford to incorporate landscaping and widen sidewalks and verify the number of parking spaces meets the ordinance.
8. The golf course entrance road be a private street.
9. The split rail fence along Nall Avenue be relocated so that it does not cause sight problems for traffic exiting on Nall Avenue.
10. The access drives to Nall Avenue and the driveways around the Stratford building be redesigned to accommodate emergency vehicles.
11. The applicant provide additional off-street parking for the condominiums.
12. The applicant meet with emergency service providers to be sure that the golf course entrance road is adequate to accommodate emergency vehicles.

Mr. Williamson noted the calculations for parking were estimated since the number of employees was unknown. However, the experience at Claridge Court, a similar type of development, stressed the importance of sufficient parking. He noted Claridge Court is currently leasing space and busing employees from an off-site parking lot. He also suggested that some of the surface parking spaces be constructed using green concepts.

The City will need to receive a final set of covenants and they need to address more completely the restrictions and process and steps for changing the deed restrictions at the final plan approval.

Mr. Williamson reviewed the approval process which includes the preliminary plan, final plan, preliminary and final plat. There will be several opportunities for review and refining details.

Mr. Williamson noted the Fire District in his review of the plans, also stated the turning radii need to be increased. The Fire District also needs turn around areas on the back side of the Stratford Building unless they can drive through the service area. Mr. Armstrong replied there is sufficient height for them to drive through the service area.

Bob Pryzby, Public Works Director, stated they are still waiting for the stormwater management plan and noted Paul Plotas with TranSystems is present to address questions of the traffic report.

Marlene Nagel requested to hear from Mr. Plotas regarding his report.

Paul Plotas, TranSystems, 2400 Pershing Road, Suite 400, stated from a traffic perspective he would rather see the entrance aligned with Rosewood to form a four-legged intersection than to have two T-intersections within a short distance of one another. It is not unacceptable as proposed, but not the preferred location in his opinion.

On the Stratford building, the sight distance is short fifteen feet for the south entrance and he noted there are ways of addressing that such as changing the profiles of the driveways, i.e. going from a decline drive to a level drive, raising the eye height of the driver leaving the parking lot. He noted that this simple action may result in providing the additional 15 feet of sight distance that is needed.

Mr. Plotas noted sight distance can be based on the posted speed limit or five miles over the posted speed limit and both are simply ballpark calculations. Using 5 miles over, usually creates a safe distance without using the design speed. The sight distance should really be based on what speed people are driving, which would require a speed study to determine the average speed in the calculation. The difference of fifteen feet should be able to be addressed with detailed design changes.

The Vice-Chairman opened the public hearing and outlined procedures to be followed during the public hearing.

Carol Pisano, 5500 West 92nd Place, requested permission to read comments from Lillian Steinmer, 5501 West 92nd Place, who was ill and unable to attend. Her comments addressed increased traffic and a lack of privacy that will be caused by the proposed development facing their home. She feels the access on Nall for the Stratford will create traffic problems. She also felt the project would decrease their property value as it would create a view, not of open landscape and sunrises, but of brick and increased traffic.

Mrs. Pisano stated it was her understanding this project was to enhance the appearance of the country club, increasing revenues and adding members through the condominium residents. She noted that Steve Armstrong earlier stated "I do not think this is a good location" when questioned about the placement of their building in its new proposed location. Mrs. Pisano agrees the original location at the northwest corner of the site is a much better location. She feels if approved, the city will receive requests from Claridge Court and Brighton Gardens to increase the height of their facilities. She noted people who live in assisted living and have Alzheimers don't play golf and no longer drive a car, and asked what happens to residents who need medical care.

Jim Graham, 9324 Outlook, in Overland Park directly west of the building. He noted there is a significant increase in the amount of concrete surface and feels this will flood and cause Nall to be closed following heavy rains. He noted a few years ago a cellular tower was proposed at location of the Stratford and denied by the City of Prairie Village. He stated the construction of a tower would have had minimal impact on the green space and no additional traffic. Now four large buildings are being proposed significantly impacting both green space and traffic.

Mark Steinkamp, 9107 Beverly, just west of the project on Nall, is concerned with emergency vehicle traffic on the two lane roads north of 91st Street because it narrows to two lanes to reach Shawnee Mission Medical Center. He noted there is no room for vehicles to pull off the roadway for ambulances to pass and he anticipates an increase in ambulance traffic from the proposed development.

Roy Blazek, 5600 West 92nd Place, addressed his concern with sight distance. The speed of traffic on the road has increased to the extent they no longer make left turns onto Nall, He feels the two new entrances will make left turns an impossible situation. He estimates that 75% of the traffic on Nall exceeds the 35 mile per hour speed limit, making the sight distance of 92nd Place to the top of the hill critical. He noted the two new access points will create an even larger backup of vehicles from people attempting to make left turns, possibly creating a gridlock situation from 91st to 95th, especially during rush hour. He would like to see the entrance at 92nd Place moved between 92nd Terrace and 92nd Street to take into account the issue of sight distance. Additional traffic will be generated by the 192 independent senior residents with cars.

Les Woller, 9318 Roe, noted there has not been much discussion of the two buildings, which have 96 condominium units. He noted the short and long-term projections for condo sales is not promising and asked what would be done if the units could not be sold. Would they become rental units, be sublet, etc. What is the future plan if they do not sell?

Leon Patton, P.O.Box 8047, lives on property backing up to the golf course, noted the financial difficulties of the country club. He is convinced it will not be able to continue at present status, something will happen on that property. He asked the Commission to work with the developer stating he would much rather have a 64 foot condo 300 feet behind his house than a two story house immediately on the other side of his property. The affect of homes immediately behind his house is far greater than the effect of multi-story buildings hundreds of feet away. He feels it will be far better for the community to be able to retain this golf course than to have the club fail.

Fred Greenbaum, 4861 West 90th Street, stated he sees the situation as the City having a golf course without the financial ability to continue and noted the City has some alternatives: Accept the proposal which brings some buildings to the site, but maintains the character of the golf course and retains the green space in Prairie Village. He feels the preservation of green space should be primary and the main goal. The City is not able to come in and buy the land and run it as a public golf course. The proposal preserves that character of what exists, even enhancing it. He hopes the City will work with the developer to preserve the green space and golf course. He also feels it is important that this land continue to serve as a golf course into perpetuity and there should be a covenant to ensure this happens.

Liz Christian, 9084 Rosewood, across from the club, read a statement acknowledging the golf club is not financially able to continue operating and the City is not financially able to purchase the property and continue its use as a public golf course. Prairie Village has stated in its Village Vision the need for expanded housing opportunities within its limited boundaries and the desire for maintaining green space. Ms. Christian noted the first plan submitted seemed to be at odds with the Golden Factors for rezoning and the Village Vision in a number of ways. The second plan has been created with the

open collaboration of the residents and addresses a number of the residents concerns. The majority of the concerns she has heard from neighbors are related to traffic concerns and the future of the green space. If those issues are addressed, many neighbors feel this current plan is one they can live with.

Randy Cohn, 7160 Village Drive and both a resident of Prairie Village a member of Meadowbrook, stated the golf course is not for sale. This is an opportunity to move the vision of Prairie Village forward. They have not discussed Plan B as they are focused on the club and moving forward for the future. Plan B would be to come to the members and say "we need money", vote and maintain operations by assessments.

Joe Gittemeier, 4601 West 87th Street, feels the City is going to have to make a choice. If they feel there will be traffic problems with the Stratford, what type of problems will there be if the land is sold to a developer and 500 single family homes are constructed. He noted he has heard a lot of discussion about sight lines and he understands it; but he noted the sight distance coming out of the north exit from Hen House at Corinth Square where the sight lines are less than 175 feet. He feels there is sufficient sight distance and he is confident that if this doesn't happen Meadowbrook will not be able to stay open.

Dave Nordquist, 5501 West 92nd Terrace & Nall, noted this will take more than one-third of his green space and would like to see the Stratford squished.

Craig Salvay, 8821 Birch Lane, encouraged the Commission to flush out the deed restrictions now. If there will be a point where those deed restrictions will sunset or expire, the needs to be known now. It is important for the preservation of green space. Also determine who it is and by how much they have to vote to change these. He suggests these be submitted prior to any further action on the plan. He offices at 94th Terrace and Nall and can assure you there are not 250 feet when he wants to turn out to southbound Nall from 91st Terrace. He noted the rule of thumb generally requires 8 seconds for turning and noted he never has 8 seconds to turn south from 94th Terrace. He suggested the street remain private as long as there is any tax abatement after which time the City will have tax revenue and it can then be dedicated to the City. It should also be built to the standard of the state or federal highways to accommodate water runoff.

Bob Wayne, a member of Meadowbrook from its beginning residing at 12723 Cedar in Leawood, stated this is a win/win situation. The City will retain green space and get increased tax revenue. If there are minor problems to be worked out, OPUS and Stratford have demonstrated their willingness to cooperate with you to see that it is a viable plan.

Doug Brown, 5816 West 92nd Street, representing his Overland Park Homes Association Board, noted cities change and evolve over time and Prairie Village needs to do so. He felt for the residents off Somerset who felt the initial proposal was not good for traffic. Now the residents of his homes association are facing the same situation with traffic flow, cut through traffic, the same reason the Stratford building was moved. He appreciates care extended to residents of Overland Park and his homes association in trying to preserve green space and hopes that the City follows through. He does not

want Meadowbrook to die so this project needs to happen. He would much rather look at nice buildings and greenspace than 500 single-family homes.

Linda Salvay, 8826 Birch Lane, noted there have not been any elevations shown of what the project would look like only site plans. In the event that Meadowbrook is not viable and we have committed to maintaining green space, she asked who will be responsible for maintaining this space.

William Webster, 4841 West 90th Street, expressed his gratitude to the Commission and the developers to be responsive to their concerns. This is an opportunity for someone to come forward to lock in this use into perpetuity, He hopes the Commission and the City Council will seize that opportunity to preserve this green space into the future. He appreciates the substantial movement that has occurred.

David Morrison, 9021 Delmar, campaigned for the recent council seat in this ward where he campaigned to preserve this green space. He stated the people in his ward voted two to one to oppose the development, which was his platform for election. He wants to preserve the club and see the club continue. He wants to get City, County and State money buy the land that OPUS now is wanting to purchase from the club to preserve this site with a coalition of intergovernmental cooperation between the city and state. He feels there is an alternate plan in the works and asked the Commission to table the OPUS plan until he can get more details.

Dr. Joe Guastello, 4712 West 86th, a 35 year resident and 22 year member of Meadowbrook, stated Prairie Village needs Meadowbrook and Meadowbrook needs Prairie Village. He disputed the comments from Mr. Morrison that all the Prairie Village residents are against this development.

Marlene Graham, 9324 Outlook, and long-time resident of this area, stated when she travels north on Nall, if she misses the light at the 95th Street intersection and needs to turn left, she will go all the way to 91st Street. It is very dangerous and feels the reason for the low number of accidents are residents realizing the danger and turning at 91st or 95th . She asked the Commission to remember the neighbors across the road. It is very difficult to make a left hand turn. People do not travel 35 miles per hour, they travel faster.

She also expressed concern with what they would be looking at, noting an elevation of the proposed buildings has not been presented and it is hard to imagine from the drawings the visual impact. She asked the Commission to have regard for their safety and their view in their review of this proposal.

Joan Nordquist, 5501 West 92nd Terrace, referenced a three-page letter sent via e-mail to the Commission. She resides directly across from the Stratford and does not consider the placement of a sidewalk and double rows of parking followed by a three story building as a very attractive view. She wants the golf course to continue and feels the green space is very important. The Stratford plan is very large, too close to the neighboring residential property and places a huge footprint on the best view in Prairie Village. They would like to forego the Stratford and see a park placed somewhere on the property for all residents in the community to enjoy.

Steve Nordquist, 5501 West 92nd Terrace, expressed concern with the missing elevations and the missing stormwater management plan. He noted water supply has not been addressed. He feels the plan needs a lot more to polish before approval.

No one else desired to speak at this time. Bob Lindeblad called upon Rich Muller to respond to the questions raised.

Storm Water Management

Harold Phelps, with Phelps Engineering, noted they did the initial Indian Creek watershed study for the County so they are aware of the issues at this location. They feel they have more than adequate storage capacity with the amount of surface area on this property. They have not done the detailed analysis yet, but see that as more of a final development plan issue. Their intent is not to increase the amount of storm water runoff from this site. They will address the impact of the additional impervious areas created by the Stratford, the condos and the club house.

Bob Lindeblad confirmed for the public they are looking at storm water detention on site with lakes to retain storm water above the normal flow currently experienced. They will not discharge any additional storm water off the site. Mr. Lindeblad confirmed they have submitted a preliminary report and are confident they can meet the requirements of the city.

Traffic on Nall & 92nd Place & Terrace

Norm Bowers noted the older residents generally do not use the street during peak traffic hours. At the Stratford there is approximately 1 vehicle every 3 minutes during the peak hours of 5 pm to 6 pm leaving and entering the site.

Bob Lindeblad asked how many trips were projected into and out of the Stratford during a day. Mr. Bowers responded 539 Trips.

Robb McKim confirmed the data given was for the site, not for each entrance area.

Sale of Condominium Units

Rich Muller stated they are aware of the current housing and condo market. He noted these units are not being built today to be sold tomorrow. They are looking at delivering the condos in about 24 months. It is projected the current housing stock will be absorbed within 12 to 16 months.

They will require a high pre-sale threshold to begin the project in the range of 50% to 60%. These condos are unique to Kansas City and studies indicate there are 96 individuals who would buy a condominium on a golf course within the I-435 loop.

He does not feel these units could economically be converted to apartments.

What do Condominium Units look like

Mr. Muller acknowledged they only showed only partial elevations during the presentation. The complete elevations are included in the full submittal made to the City and available for review. Mr. Lindeblad stated what he feels is necessary is a photo simulation, similar to what was presented last time, from driving down Nall giving a three dimensional perspective photo simulation of what this would look like.

Amount of Emergency Traffic

Rich Horn noted the city has Claridge Court and Brighton Gardens. The population anticipated for the Stratford will generally be younger in age and healthier than in those communities. Steve Armstrong noted based on experience with there other facilities, emergency vehicle traffic is generally at most one call per week. This includes both emergency calls as well as transport calls.

Robb McKim asked if there was an age criteria in place. Mr. Armstrong responded the proposed facility is a continuing care facility designed for multiple levels of care. There is no nursing care offered at their facility. At the time when acute nursing care is needed, the Stratford will cooperate with area facilities offering that care and the resident will be transferred after an assessment by their personal physician. Most of their residents transfer from independent living to assisted, but very few actually go into long-term care.

Details of the Deed Restrictions & Maintenance

Mr. Muller stated they agree more clarity needs to be brought to this issue. They are proposing a permanent deed restriction prohibiting development on the site forever. As far as the maintenance of the property as a golf course, they are confident that Meadowbrook will succeed as their debt is erased. If not, he feels there are other operators that would be interested in the course. The deed restriction will be to the Condo Association and they would ultimately be responsible for the maintenance of the green space. Mr. Muller noted the club is giving up their property rights to 136 acres for the benefit of this community with the deed restriction on the site they can not sell the land or portions. He acknowledged there are issues to be looked into further and to be resolved. He feels this will take time, and doing it prior to getting approval of the preliminary plan would not be time well spent.

Police Chief Wes Jordan expressed concern with the Nall entrances. He noted there have been accidents involving northbound traffic. He understands the sight distance clearances from the engineer's standpoint, but noted elderly drivers have slow reaction times. He noted the traffic on Nall does traveling above the speed limit. He feels this will create a traffic problem for residents coming out from a dead stop trying to merge onto an ending lane with traffic travel over 35 miles an hour. He would like the opportunity for his staff to further review the plans from the safety perspective. He also has a concern with delivery vehicles, noting currently delivery vehicles serving Claridge Court simply stop on Mission Road because they can not get into the development due to the traffic on Mission Road.

Bob Lindeblad thanked all present for their comments and stated the Commission would now deliberate amongst themselves.

Randy Kronblad stated his basic concern is the relationship of the Stratford Building to Nall and its close proximity. He feels there needs to be a buffer provided for the parking along Nall, although there is limited space, there should not be parking directly off Nall. Mr. Kronblad also expressed concern with the ability of emergency vehicles and trucks to enter the site.

Robb McKim complimented both the developer and the neighbors in their efforts to work together to try to address concerns and recognize the amount of work that has gone into this project. He has three areas of concern.

- 1) He does not see this as a mixed use development and does not feel it meets the expectations stated in the ordinance for a mixed use district. It is not place making and does not integrate itself to the existing adjacent development. Comments were made on the last project regarding connectivity. They have addressed that with a walk which is something, but it is not integration.
- 2) He is concerned about the scale of the building - the Stratford in particular, with a continuous building elevation of 500' or more basically unbroken is a very large building and not in character with the neighborhood.
- 3) He does not see conformance with the objectives, goals or aspirations stated in the Village Vision. The developer has been very pro-active in meeting with the adjacent property owners, but there was not large scale community involvement. The Village Vision promotes a more comprehensive development of this site with increased density, mixed uses, as well as the retention of green space.

Mr. McKim confirmed the preservation of green space is only for private use and only accessible to the public by view. Mr. Muller stated the public would only be able to use the green space as members of the club or guests of the condominium owners or club member.

Robb McKim added he is also concerned with deed restrictions that cover the entire area making it difficult at best if not impossible for a future integration of these projects with the adjacent commercial area to the south so some semblance of mixed used may be possible at some point in the future. There would be no flexibility or ability to make that integration happen.

Nancy Vennard expressed two concerns with the proposed development:

- 1) The lack of connectivity. She questioned if a road could be created hugging the property line from the Stratford connecting up with 94th Terrace possibly getting an easement to cross over the office building property to provide real connectivity to the shopping area. This would also alleviate traffic coming out to Nall . This would feel more like a public space and increase the potential for redevelopment of that area and not take much away from the golf course..
- 2) Mrs. Vennard is also concerned with the alignment of the street going out to Somerset. She would like to see it shifted slightly to the east prevent the lights from outgoing vehicles shining into the front window of the property owner facing Somerset.

Bob Lindeblad stated his appreciation to the applicant for the efforts taken to address the concerns stated by the Commission regarding the initial application and the concerns of the residents. He feels the dialog has been good.

Mr. Lindeblad stated he agrees with Mr. McKim that this truly isn't mixed use and isn't what the Village Vision anticipated, but noted you can not write a specific scenario for development in a Vision document. You need to address specific applications as they come before the Commission. He applauds the concept of keeping the golf course and creating different housing styles, but wishes there were more different type of housing styles. However, what concerns him the most is the length and size of the Stratford.

There are not many buildings in Johnson County containing 400,000 square feet, even office buildings. He was not able to measure it using the scale presented on the plan, but feels Mr. McKim's measurement of 500 feet is fairly accurate. 400,000 square feet is huge. Driving along Nall, with the close proximity of this building to Nall, all that will be seen is a huge rectangular building constructed on a site. He would like to see it reduced, lowered or something to have less impact from across the street. He wished there could be some other type of residential solution that did not require 400,000 square feet of attached building. It doesn't fit. He feels everyone would like to see something taller more integrated located in the center of the site, not a huge monster pushed out to the edge of the property away from the other proposed development.

Because this is a huge building, he feels it is essential for the Commission to see scale perspective concepts coming up and down Nall to get a true perspective. More visual presentations are needed.

Mr. Lindeblad appreciated Chief Jordan's comments regarding the older drivers and if there needs to be adjustments made in the traffic study to address the slower reaction time. He wants this to be a safe project. He is willing to keep trying to work out the details of this project.

Marlene Nagel asked the applicant if it would be possible for the Commission to continue the application and have the applicant address the concerns raised by the Commission.

Rich Muller stated interesting questions have been raised, comments have been valid with some being a matter of opinion and some a matter of perspective. They have demonstrated a willingness to work to create the best possible project for the City of Prairie Village and are happy to continue to work; however, there are certain things he does not feel they are going to be able to change much. He does not feel he can reconcile the level of connectivity being discussed given the circumstances of the project. The club is not for sale. They have 13 acres with which to work. The club is still going to be the club. Those 13 acres are not connected by design to increase the viability for the success of both projects. He stated they will continue to look at issues and gather information; however, he does not see how wholesale changes on the issue of magnitude can be found, but they can try.

Bob Lindeblad asked how much time would be needed. Mr. Muller stated he felt a month would be sufficient and if not would like the ability to continue.

Mr. Horn asked if changes could be submitted and considered in May. Mr. Lindeblad stated if revised drawings could be submitted to the staff for review prior to that meeting action could be taken in May. He recommended they meet with staff to discuss the issues.

Rich Muller asked if it was the desire of the Commission to have a fully negotiated deed restriction in place. Bob Lindeblad and Marc Russell stated a fully negotiated deed restriction is not necessary at the preliminary approval level. Mr. Muller asked if they could not agree in concept that there is a middle group between a sunset and perpetuity. Bob Lindeblad recommended they work with Mr. Williamson and Enslinger on that.

Mr. Enslinger noted what he heard was that there should be a balance between forever and how the City would be involved in the decision to make land use changes as it has a vested interest or is it left totally up to the owners of the property. He noted there are several different ways it can be structured.

Robb McKim stated it is easy to look at this similar to a fringe development as it is a large parcel of land; however, he sees this as an infill or redevelopment project. When he looks at the Village Vision from the perspective of the community as a whole, he sees the importance of integration and using this project as an opportunity to at least prepare for integration or mixed use at some point in the future if it becomes feasible or appropriate. He understands the applicant's perspective in looking at ways to make the project work for them, but noted as a Commissioner he has to take the perspective of the community as a whole.

Marc Russell stated he likes the plan and feels the Commission is failing to see that this is a private country club. Getting integration with property on the south will require acquisition of property and is going to be very difficult. He is concerned with the sight lines, the elderly drivers and the traffic on Nall. He does not feel it is realistic to have fully negotiated deed restrictions within a month.

Rich Muller noted they are concerned with optimal safety as well. However, he does not feel the demographics of the Stratford are going to be that different from the surrounding neighborhoods. The traffic conditions that exist are probably very comparable to the traffic conditions that will exist after the development.

Mr. Muller asked for clarification of what the Commission would want presented if a continuance was given:

Bob Lindeblad responded he has heard a lot of concern expressed on the following:

- Detail along Nall - where the curb & sidewalk will be located
- Detail on the green space and the parking lot
- What will be seen from across the street and as you drive Nall
- Sufficient on-site parking
- If it is possible to visually breakup the appearance of 400,000 square feet, 500 foot long building.

Rich Muller stated the photo simulations done on the previous submittal were because they knew there was an issue with the height of the building. However, from his perspective he felt that once the height of the building was lowered, he did not feel they were as necessary. The height of the building was reduced by two-thirds.

Marc Russell asked if the plan could be approved with contingencies. Mr. Lindeblad responded he felt there were too many details outstanding.

Rich Muller stressed the reality of the finite amount of land that can be utilized and still keep an 18-hole golf course. To break up the Stratford into four separate buildings with a pocket park, too much ground will be taken and land is not an unlimited resource. Mr. Lindeblad responded he is not expecting major changes.

Kevin Hardin, Gastinger, Hardin Architects, the architect of the clubhouse and condominiums clarified the size and location of the Stratford. The building is approximately 500 feet in the north and south direction, approximately 200 feet in the east west direction. It is four stories in height, making each floor plan approximately 100,000 square feet. As you are driving along Nall the ins and outs of the building will make it appear to be multiple buildings. It will not appear as one long mass as you are driving along the street. It also noted the roofline is slightly different because you have different depths you are dealing with.

Bob Lindeblad summarized the areas of concern as follows:

- Setbacks of the building along Nall
- Parking
- Elevation & Grading
- Safe access to and from the drives for emergency vehicles and residents
- Photo simulations demonstrating the design of the building
- Elevation with the street showing the street contour relationship to the building
- Outline of the deed restrictions - concept
- Is there some way to keep option open to future integration and development to the south along the edge of the property

Bob Lindeblad stated he does not have strong concerns with the deed restrictions. As a mixed use district, if approved, this plan will stay in place until the City Council approves another rezoning of the property.

Ron Williamson stated the issue of green space could be addressed by setting a minimum percentage of green space to be maintained which could allow some future integration.

Rich Muller asked if the Commission was looking for anything different than he had stated during the discussion that they were willing to do. They are open to the idea of some middle ground between perpetuity and a sunset. Mr. Muller noted the time and money spent on this project to date and stated they would like to be assured there is an end in sight and that this is a project the Commission wants to happen. He noted this is a one time opportunity for development and preservation of the club.

Bob Lindeblad responded he feels the Commission would not be offering the comments and suggestions if it was not supportive of the development proceeding; however, there are items that need to be addressed and clarified. Nancy Vennard added it is better to work them out at the Commission before forwarding the request to the City Council than to have it sent back to the Commission by the Council.

Nancy Vennard moved application PC2008-03 requesting rezoning from R-1a to MXD for the property at 91st & Nall be continued to the May 6th meeting of the Planning Commission so the applicant could address the issues listed by the Planning Commission. The motion was seconded by Randy Kronblad and passed unanimously.

Vice Chairman Bob Lindeblad noted during the May 6th meeting public comment and discussion will be limited to those items identified by the Planning Commission to be reviewed.

ADJOURNMENT

With no further business to come before the Planning Commission, the meeting was adjourned by 11:15 p.m.

Bob Lindeblad
Vice-Chairman

**COUNCIL COMMITTEE OF THE WHOLE
May 5, 2008**

The Council Committee of the Whole met on Monday, May 5, 2008 at 6:00 p.m. The meeting was called to order by Council President David Voysey with the following members present: Mayor Shaffer, Al Herrera, Ruth Hopkins, Michael Kelly, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz. Staff members present: Quinn Bennion, City Administrator; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Katie Logan, representing the City Attorney; Karen Kindle, Finance Director; Dennis Enslinger, Assistant City Administrator; Nic Sanders, Human Resources Specialist; Chris Engel, Assistant to the City Administrator; Captain Tim Schwartzkopf, Sgt. Curt Winn, Crime Prevention Officer Danny Robles and Joyce Hagen Mundy, City Clerk.

David Belz moved the approval of the Consent Agenda for Monday, May 5, 2008:

- **Approve Construction Administration Change Order #1 (Final) with Shafer, Kline & Warren, Inc. for Project 190708: Tomahawk Storm Drainage Improvements (Nall Avenue to Roe Avenue for an increase of \$34,664.50 bringing the final project cost to \$221,664.50**

**COUNCIL ACTION TAKEN
5/5/2008**

The motion was voted on and passed unanimously.

Security Discussion

Council President David Voysey moved pursuant to KSA 75-4319(b) that the Council recess into Executive Session for a period not to exceed twenty-five minutes to consider consultation with legal counsel on matters that would be deemed privileged in an attorney-client relationship relating to matters related to security measures.

Present will be the Mayor, City Council, Police Chief, City Administrator, PW Director, Assistant City Administrator, Finance Director, City Clerk, HR Specialist, Asst. to the City Administrator, City Attorney and Police Personnel.

Council President David Voysey reconvened the City Council meeting at 6:30 p.m..

2009 Budget Presentation

Quinn Bennion introduced the second 2009 budget discussion. He noted that while the initial discussion focused on history and projections, this discussion will be focused on the concepts instrumental to the formation of the 2009 budget. Mr. Bennion acknowledged the challenges being faced by all area cities, but noted whereas appraisals in many of the neighboring cities were flat, Prairie Village properties reflected a small increase in value.

Based on discussions with Council members and staff, the following goals and objectives have been identified for the 2009 budget:

- Maintain quality level of service
- Sustainable budget impact
- Expenditures less than or equal to revenues
- Identify and meet technology needs
- Attend to infrastructure needs
- Be mindful of tax burden

The strategies being implemented in the preparation of the 2009 budget are:

- To have an inclusive budget process involving Council, Finance Committee & Staff
- To identify on-going revenue source for storm water needs
- To conduct a thorough review of all budget items at staff level
- To ensure reserve funds to meet future needs
- To conduct an assessment and prepare a plan for technology

Mr. Bennion reviewed a graph comparing expenditures to revenues and reserve for 2004 through 2010.

The areas that will need to be addressed by Council in the 2009 budget are as follows:

Salary Adjustments

- With the need to balance competitive salary & benefits vs. the cost
- Additional employees have been requested & are under review
- Health Insurance costs - staff are looking at minimal or no increase in costs but acknowledge this may require modification to the plan or increased employee contributions

Stormwater Utility Fee

Quinn Bennion stated this is a key component of the 2009 budget. The proposed fee is projected to bring in approximately \$1 million in revenue. This will provide a dedicated funding source for the City's Stormwater Management Program.

Ruth Hopkins and Laura Wassmer stated they are 100% supportive of the fee. David Belz stated this is as close to a user fee as possible and feels it is an appropriate means to fund the stormwater management program. Diana Ewy Sharp agreed.

Al Herrera confirmed there will be no exceptions to the fee. It will apply to all properties, even those exempted from property taxes.

Charles Clark added this fee is already in place in most Johnson County cities.

Mr. Bennion advised that the City is continuing to work on identifying the level of impervious surface on city properties.

Budget Restructuring

Karen Kindle noted two areas of the budget have been restructured. Information Technology equipment purchases and consulting services have been combined into one program to monitor costs and obtain better pricing. These were previously reflected in individual department budgets. Legal Services budgets have also been combined into one program to more easily manage.

Large Item Pick Up

This program is currently included in General Fund expenditures with a projected 2009 cost of \$45,000. Staff is suggesting the cost be moved to the solid waste management fund with the amount being included in the amounts assessed on tax bills for solid waste collection services. Those homes associations who do not receive city services would be assessed the additional fee as part of their exemption fee.

David Belz stated this service was initially begun by the City and does not want to see residents assessed for this service without input. He wants to know if the residents like the service enough to pay for it.

Laura Wassmer noted the cost of this service has more than doubled and there is less being picked up. She is not sure the service needs to be offered every year. Ruth Hopkins stated the cost doubled when the City went out to bid for the service as part of the solid waste services contract. Ms Wassmer asked if this service could be removed from the contract. Mr. Bennion stated he felt it could. Al Herrera stated he also has observed a decrease in the number of participants and noted many of the items picked up could have been picked up under regular trash services.

Quinn Bennion stated staff is not suggesting the service be changed, only that the costs removed from the general fund and covered by an increase in the solid waste services assessment. Dennis Enslinger stated the contract with Deffenbaugh expires in 2010 and noted there will be a significant increase at that time. There current contract caps increases at 4%. He noted there will also be changes to the contract such as a limitation on the number of bags picked up at 10.

Dale Beckerman confirmed the proposed increase would be \$5 per household.

Charles Clark stated this is similar to the stormwater fee in that it is assessed to people who use the service and it seems logical. Andrew Wang stated he would like to know the consensus of the residents but feels the service is worth it for \$6 a year.

Al Herrera stated people will be paying for the services that do not use it.

Ruth Hopkins stated in her discussions with other cities that do not provide the service revealed an increase in those cities of illegal dumping and property maintenance problems. She noted even if she didn't use the service, she wants it available for her neighbors to help keep the city clean.

Mr. Bennion noted the discussion is not about changing the program, but whether or not to pass the cost of the program on to residents through an assessment rather than funding it out of the general fund.

David Belz repeated he is uncomfortable with the city coming up with a program for its residents and then assessing the cost of that program back on the residents. He wants resident input before supporting such action.

Laura Wassmer noted the proposed \$5 fee is significantly less than the \$50 cost for a special pick-up. She added she would like to see the program held later in the year and pick-up material not required to be out by 7 a.m. on a Saturday morning. Andrew Wang stated he doesn't have any problems with investigating new ways to conduct the program.

Charles Clark reminded the Council the question is not regarding the operation of the program, but where the cost for the program should be included in the budget. Ruth Hopkins noted if the cost comes from the General Fund the residents are paying for the program with tax dollars. Andrew Wang agreed.

David Belz stated if an additional line item is seen on their tax bill, the residents will be angry. Quinn Bennion stated the fee would be added to the existing solid waste services assessment and would not be an additional line item. David Voysey noted this would cost residents more as an assessment. Mr. Wang noted by assessing the cost, a \$45,000 expenditure is removed from the general fund.

The Council agreed by a vote of 5 to 3 to move the cost to the solid waste management fund.

Village Vision, Parks Master Plan & 75th Street Plan

Karen Kindle noted these three projects are currently being funded from the economic development fund. Staff wants to know what funding expectations are for this fund in 2009 and what the funding source will be.

David Voysey stated he felt the existing \$2.1 million in the economic development fund is an appropriate amount at this time. Charles Clark agreed. He noted it is not the intention of the economic development fund to pay for everything happening on 75th Street, its intention is to provide seed money.

Ruth Hopkins stated she felt it was necessary to have a continually growing fund to cover projects as they arise. She feels discontinuing funding is being short-sighted.

Charles Clark responded \$200,000 has been allocated to date and he does not see any rush of additional projects. Mrs. Hopkins responded however that when the next one comes along, she wants the City to be ready.

David Belz agreed with Mrs. Hopkins and felt this fund will have on-going funding. He noted it is currently being funded by the sales tax that is up for renewal on the August

ballot. He would like to see it maintained at a designated level, but he doesn't know what the funding source will be at this time.

David Voysey stated there is currently a significant balance with no projects knocking at the door. He noted it may take 15 years to implement the findings/recommendations of the 75th Street Study.

Charles Clark stated if the City is to continue funding it, taxes will need to be increased.

David Belz stated at some point in time he could see this handled as a reserve fund and kept at a specific level at that point in time the sales tax funds can be moved from this fund to the general fund. Mr. Voysey and Mr. Clark stated they are comfortable with the current level of the fund. Ms Wassmer stated she is comfortable with the level of the fund at this point in time. She doesn't feel the need to continue funding without a specific plan.

Dale Beckerman asked what is funded from the economic development fund. Quinn Bennion responded currently it has funded the exterior grant program, the parks master plan and the 75th Street corridor study. If the exterior grant program is continued in 2009, he would anticipate funding would be from the economic development fund.

Dennis Enslinger reported the City has received 14 applications for exterior grant funds. Eleven applications have been approved with 3 applications pending and \$25,000 has been committed in the first three weeks of the program.

Parks

David Morrison asked if any funds had been set aside for future park acquisition. Mr. Bennion responded \$158,000 has been set aside for the implementation of the Parks Master Plan in the 2009 CIP program. Mr. Morrison noted the Village Vision stated the need for more park land and he is concerned if funds are not set aside for park acquisition nothing will be done. He would like to see a reserve fund established as this was listed as a priority in Village Vision.

Laura Wassmer responded this would fall under the economic development fund. Mr. Morrison questioned the economic benefit of parkland. Ms Wassmer replied as part of the implementation of Village Vision. Mr. Morrison stated he would like to see a separate fund.

Quinn Bennion asked if the \$158,000 budgeted in the CIP was sufficient or if the Council wanted additional funds added. If so, how should it be funded.

Dale Beckerman asked if there were other big undertakings planned for those funds. Bob Pryzby noted the \$158,000 is simply a number placed in the budget. Mr. Bennion noted the Master Plan would not be completed until fall and at that time the City would have a better idea of what should be done. He confirmed it was the consensus of the Council to keep the \$158,000 budgeted funds.

Ruth Hopkins stated again that she felt it was short-sighted to stop funding the economic development fund and expressed fear that once funding was stopped, it would not be restarted.

David Voysey stated the economic development fund was not implemented to cover everything in Village Vision. It does not have to be the funding source for that document. Charles Clark noted the fund was developed with a very specific definition of what is to be funded. Park acquisition is not included.

Laura Wassmer asked if there was a separate line item for Village Vision. Quinn Bennion responded there was not. If the Council desires an additional source for funding of Village Vision that needs to be known now.

David Morrison asked if there were any projects from Village Vision that the Council should be discussing. Quinn Bennion responded several initiatives were identified and have been or are being discussed such as 75th Street, the exterior grant program, the website, etc.

He added there are significant paving needs on 75th Street that were delayed by the 75th Street Study that will need to be addressed in 2009, including the paving of 75th Street Belinder to State Line. This project would be eligible for possible CARS funding in 2010 requiring design to be completed in 2009.

Al Herrera noted he thought the paving was from Mission Road to State Line. Mr. Pryzby responded it is being done in parts with State Line to Belinder and then Belinder to Mission Road.

With meeting time nearing an end, Council President David Voysey stated the discussion of the budget would be continued during the Council meeting and adjourned the committee meeting at 7:25 p.m.

David Voysey
Council President

TREE BOARD
City of Prairie Village, Kansas

MINUTES

Wednesday – May 7, 2008, 6:00PM Meeting
Public Works – Conference Room
3535 Somerset Drive

Board Members: Cliff Wormcke, Jim Hansen, Greg VanBooven, Deborah Nixon, Art Kennedy,

Other Attendees: Bob Pryzby

- 1) **Review and Approve minutes from April 2, 2008 meeting.** Motion made to accept the minutes by Greg VanBooven and seconded Jim Hansen passed.

- 2) **Sub-Committee Report**
 - 2.1) **Fall Seminar**
 - a) **Scheduled for October 1, 2008 at 7:00 in the Council Chamber at City Hall. Update on planning.** Bob to invite Kim Bomberger to speak relative to the Tree – Green Impact from Public Trees. Deborah would like to invite the Tree Boards from the surrounding cities to attend as well as the Environmental Committee.
 - 2.2) **Arbor Day**
 - a) **Wrap-up** Bob thanked the Tree Board for having a tree planted in recognition of his tree work as Public Works Director.
 - 2.3) **Arboretum Committee**
 - a) **Tree selection process for arboretum signage.** Art Kennedy has the tree inventory for parks and the list of tree plates.

- 3) **Earth Day Wrap-up – Deborah Nixon** Was a success.

- 4) **MARC Tree Report** Will be topic of Fall Tree Board Seminar.

- 5) **Old Business** None

- 6) **New Business** None

- 7) **The next meeting agenda** Next meeting with August 6.

CITY ISLAND COMMITTEE

City of Prairie Village, Kansas

MINUTES

Wednesday - April 30, 2008, 7:00PM Meeting
Municipal Office Multi-purpose Room
7700 Mission Road

Attending: Shawn Hickey, Dan Anderson, 12 Various Home Associations Island Volunteers

Other Attendees: Rick Barrett, Bob Pryzby, Joanie Shields

Agenda:

- 1) **Planting List** - Bob Pryzby presented a list of flowers being used by Public Works this season. He explained that there are other flowers that are acceptable and may be used by the volunteers. He cautioned that the flowers and planting height is important and should not exceed the base height of statuary or 42 inches.
- 2) **Turf and PlantCare** - Rick Barrett, a landscape architect consulted by Public Works for planting projects and advice, discussed good techniques for planting flowers and shrubs. He review proper specie selection for location, grouping of flowers, importance of watering after planting and during hot and dry weather, pruning, and general care of plantings. Many questions were asked and answered.
- 3) **Public Works Assistance** - reviewed what Public Works could do to assist the volunteers. He stated that time permitting Public Works would assist in removing large plants. Public Works will provide assistance on rehabbing an island with the limit of available budget funds. The provision of flowers and plants is restricted to island maintained by the City. A question was asked about providing water. Bob responded that the City does not provide water or would water islands except Public Works does water plants during extreme dry spells as time permits.
- 4) **Available City and Home Association Funds** - no discussion due to time.
- 5) **Determination of Ownership** - Bob quickly repeated the intent of City Council Policy CP220 (available on City website). He stated the purpose was to establish responsibility [of the City] of maintenance of plantings, statues and structures on islands owned by the City. Bob introduced Joanie Shields who reviewed the work of the City of Fountains Foundation and the Save Outdoor Sculptures. A brochure was distributed outlining their activities. She stated she, as a Prairie Village resident, was appreciative of the City efforts in recognizing and would help in whatever ways she could.
- 6) **2009 Budget Request** - Bob reported that he has again included island rehab funding in the Public Works 2009 budget request.

Another meeting will be called later this summer.

Prairie Village Arts Council
16 April 2008
Minutes

The Prairie Village Arts Council met at 7:00 pm in the Council Chambers. Members present: Randy Kronblad, Chairman, Pam Marshall, Annie Brabson, Dan Andersen, Bob Endres, Kyran Wilson, Angi Jones, Jack Shearer, Christina Hoffman and Bill Rose. Also present: Dennis Enslinger and Donna Potts.

Minutes

Committee approved minutes from the 19 March 2008 meeting with the following change: clarification that October 10th would be the State of Arts Reception in addition to the Juried Show.

Council Report

No report at this time.

Financial Report

Staff noted that Annual Budget, year to date expenses, and the 2007 costs for the State of the Arts Program and the Prairie Village Art Show.

Prairie Village Art Fair

Donna Potts asked to be moved to the front of the agenda. Donna Potts indicated that there were over 600 applications for the 102 artist spots for the Prairie Village Art Fair event. The event will be held May 30th, 31st and June 1st. She also indicated that the event is becoming comparable in reputation to the Plaza and Brookside Art Fairs. Applicants may have also been up because she used an online application process.

Donna indicated that they would be providing reusable bottles rather than individual bottle water. The city will be providing the reusable containers. She also indicated that the entertainment for Friday would be Michael Beers Band and for Saturday will be The Geezers. The K.C. Young Audience Group will also be performing from 12-3 along with other kids events such as the moonwalk.

There was some discussion as to whether or not the music venues were “locked –in” at this time. Donna Potts indicated that they were scheduled. Council member Marshall said she had heard a group called “Singled-Out” that played old rock and roll that would be a good fit for the event. There was discussion about the fact the Arts Council had allocated additional funding for the music venues. Donna thought that it may be difficult to book Singled-Out for the Saturday time slot. Council member Marshall indicated that she would contact the band and check availability for this year and next year and get back with Ms. Potts.

Donna Potts suggested that if the additional funding was not used for music then it might be used to purchase awards. The general consensus of the Council was that this was a good idea and that they would consider this given the outcome of the previous discussion.

The Council agreed to again help with meals during the event. A sign-up schedule was circulated for each member to volunteer with notation of the times. Staff will send out the schedule and send reminders to each Council member. There was also mention that Council members could help out

at the information both and that it might be important to have one of the Arts Council Banners at the booth along with State of the Arts applications.

March/April Exhibit/Reception

Chair Kronblad reported the April reception went well but attendance was low. There was some discussion as to whether or not artists were required to have a specific number of pieces for a show. The consensus was that artists should have between 35-50 pieces for a one-person show and if there were less it should be a paired exhibition.

Staff agreed to make the necessary changes to the application to ensure that the artists were aware of the requirements. Mr. Endres indicated that he would contact artists who are scheduled to exhibit to confirm that they had sufficient pieces of work to exhibit.

Volunteers for the Friday, May 9th show are Bob Endres, Pam Marshall, and Angi Jones.

The Council also requested that staff send an email with the post card so that they could send reminders to individuals to try and increase the attendance at the receptions.

Consider request by Christi Roberts Bony to exhibit in 2009

The Council reviewed images from Christi Roberts Bony and determined to accept her request to exhibit in 2009. Council asked staff to notify Ms. Bony and coordinate an appropriate month with the artist.

State of the Arts Update

Forms: Mr. Endres and Ms. Wilson indicated that they had reviewed the artist solicitation materials for the State of Arts Event and were working with Kingston Printing to mail the brochure by the first of June. Ms. Wilson indicated the approximate cost is \$800 plus postage for approximately 600 mailings. It was decided that Chair Kronblad would update the introduction letter in the brochure.

Advertising/Publicity: Mr. Andersen indicated that he would work with the tent manufacture to ensure that the Columbian Bank logo would be placed on the tent that was being donated by Columbian Bank. Mr. Andersen would work with Mr. Enslinger on this issue.

Judging: Mr. Endres confirmed that Jan Schall would jury the show. Mr. Rose will contact Ms. Schall and confirm a date and time for the processes.

Reception: Council members Endres, Andersen, and Jones will be meeting in the coming week to discuss specifics about the reception. Mr. Enslinger indicated that he had conducted some research and determined that the Arts Council would need to ask for an exception to City Council policy to serve wine. It was agreed that when the date of the event was closer, the Arts Council would make a request to the City Council.

Music: Council member Shearer indicated that he had been working to secure a jazz band for the event and would have more to report at the next meeting.

Old Business

Those Council members who attended the Shooting Stars event said that the event was well done and encouraged future participation at the event.

Chair Kronblad that the Council had been working on Public Art in the past and wanted to make sure that idea moved forward. It was agreed that Chair Kronblad, Council member Rose and Mr. Enslinger would get together and discuss the next steps in the process.

New Business

Council Member Andersen provided an update on the Island Committee meeting. Mr. Andersen indicated that the meeting was very positive and that the Public Works Department was in the process of creating an inventory and a resources list for the neighborhood associations. Mr. Andersen stated that the neighborhood associations asked if the Arts Council wanted to provide comments on recommended plantings for the islands. The general census of the Commission felt that each island could be unique and that the neighborhood association should work with Public Works to develop a list of suitable plants.

It was announced that Bill Rose would be on the cover of American Arts Magazine in June. The Council congratulated Mr. Rose on this honor.

The next meeting will be at 7:00 pm on Wednesday, May 24, 2008.

There being no further business, the meeting adjourned at 8:40 p.m.

Randy Kronblad
Chairman

VILLAGEFEST COMMITTEE

March 27, 2008

The VillageFest Committee met March 27, 2008. Present and presiding, Chairman Bob Pisciotta. Members present: Diana Ewy Sharp, Doug Sharp, Jim Hanson, Joel Crown, John Capito, Mary Bahr, Luci Mitchell, Ann Doyle, Jim Bernard, Jr., Ed Roberts, Art Dick, Kathy Peters, Julie Weiss, Bob Pryzby, Mike Helms, Chief Wes Jordan, Sgt. Byron Roberson, and Jeanne Koontz.

Minutes

Ed Roberts moved approval of minutes of the February 2008 meeting. Art Dick seconded the motion which passed.

Staff Report/Budget Update

Jeanne Koontz reviewed her staff report. She stated she has drafted a booth application and it has been reviewed by the City Attorney. Joel Crown said he would like to review it. She said she would email it to the committee. She reported that she received a request from the Shriner Clowns. They had 2 clowns come last year and they would like to come again. The committee agreed to contract with them. She reported that she has one volunteer, Susan Masters, to help on July 4th wherever needed.

Budget Update

Bob Pisciotta said the budget is currently in balance. As we receive sponsorships we will be able to do extra things. Joel Crown asked to add the Fife & Drum Corp again for \$100.

Sponsorships

Luci Mitchell reported that Meadowbrook Country Club will be donating \$500 again this year. John Capito said the Old Mission Lodge and the Shell Station have shown an interest in donating.

Parking

Bob Pryzby said he had a meeting with Shawnee Mission East and a fair portion of the parking lot will be available for VillageFest. The Junior lot will also be available. He said he still plans on setting aside parking by the Santa Fe pavilion. Byron Roberson said Mission Bible Church will allow parking in their lots for VillageFest. Bob Przyby suggested making signs for the parking lots.

Water Sales

Bob Pisciotta said he is still concerned about having volunteers sell water. He said he would ask Travis at HyVee if they could sell more water and staff an extra site. Wes Jordan pointed out that the City will make some money if we sell water. Joel Crown said he will look into this issue.

Patriotic Service and Community Service Awards

Bob Pisciotta said there was a scheduling meeting on Monday at which we decided to move the patriotic service to the park pavilion. The suggested schedule is 9:00 am – 9:45 am: Mayor opens the service, sing a few songs, drill team, and community service awards. Luci Mitchell said she has found a song leader for \$100. Diane Robertson is a professional singer. The committee agreed to hire Diane.

Chinook

John Capito said the Chinook will be coming. He is trying to get them to come at 8:30 am and leave at 2:15 pm.

Entertainment

Bob Pisciotta reviewed the mainstage schedule. Ann Doyle said she found 2 major bands: Michael Beers band (60's to now) for \$1500 and Jessica Horn band (country) for \$1200. Mary and Ann played samples of their music. The committee agreed to contract with these bands with Jessica Horn at 12 pm and Michael Beers at 1 pm. Ann Doyle also suggested hiring Scott Klamm who plays and demonstrates traditional instruments. He charges \$125/hour. She said he would not be mainstage material. Diana Ewy Sharp suggested not having the creativity center and he could perform in the community center during that time. The committee agreed to contract with Scott Klamm from 12 – 2 pm in the Community Center.

Creativity Center

Committee members suggested having face painters and balloon artists in there from 10 am -12 pm before Scott Klamm. Joel Crown moved to form a subcommittee to review the Creativity Center and establish alternative ideas. Mary Bahr seconded the motion which passed. Joel Crown, Diana Ewy Sharp and Jim Hanson volunteered to serve on the committee.

Children's Parade

Bob Pisciotta said the children will gather in the staging area at 10:45 am and the Marching Cobras will lead the parade at 11:00 am and then perform. Bob Pryzby said Public Works will organize the parade if no one else volunteers.

Car Show

Bob Pisciotta said he will contact John Lilak about the mustangs returning.

Train Show

The train show will be in the Council Chambers this year.

Public Works Display

Yes.

Public Safety Display

Yes.

Fire District Display

The committee decided the display would be the same as last year's display and in the same location.

Student Contest

Ed Roberts said it will be a poster contest again and will be advertised in the newsletter and on the website. Joel Crown said he would help come up with a theme.

Information Booth

Jim Bernard will handle this again.

Publicity

John Capito passed out a marked up copy of last year's flyer. The committee decided to go with the same format. John suggested stuffing the flyers in the Village Voice instead of placing ads in the Sun Newspaper. He said the map on the flyer will also be blown up and posted throughout the grounds. Diana Ewy Sharp suggested putting balloons on the posters so people see them. John said he will do ads in the KC Star again and maybe one ad in the Sun. He showed samples of the yard signs he would like to order. The committee liked the sturdier, more expensive sign. John said he will order 60-70 and they can be used multiple years.

Hospitality

Doug Sharp said Johnny's Tavern will provide lunch again.

City Committees

Diana Ewy Sharp said fewer committees will be involved this year. Jeanne Koontz said the Municipal Foundation and the Environmental Committee will most likely be attending.

Decorations

The committee said they liked the balloon arches last year. Committee members suggested wrapping the columns at the pavilion in crepe paper.

Committee Shirts

Bob Pisciotta said he will speak with Kathy Frankum about this.

Other

Bob Pryzby suggested having giveaways at the breakfast and North entrance.

Bob Pisciotta
Chair

VILLAGEFEST COMMITTEE

April 24, 2008

The VillageFest Committee met April 24, 2008. Present and presiding, Chairman Bob Pisciotta. Members present: Diana Ewy Sharp, Doug Sharp, Jim Hanson, Joel Crown, John Capito, Mary Bahr, Tim Rellihan, Luci Mitchell, Ann Doyle, Jim Bernard, Jr., Ed Roberts, Art Dick, Kathy Peters, Chris Andrews, Mike Helms, Captain Tim Schwartzkopf, and Jeanne Koontz.

Minutes

Minutes of the March 2008 meeting were approved.

Committee Shirts

A sign-up sheet was passed around for committee shirts. It is likely there will be enough in the budget to purchase the shirts.

Staff Report/Budget Update

Jeanne Koontz reviewed her staff report. She stated all contracts have been sent except NJROTC, Diane Robertson and the Fife and Drum Corp. John Capito said the NJROTC does not need a contract. Joel Crown said he does not think the Fife and Drum Corp will be coming back this year. The student poster contest, bike rodeo and a general Villagefest article will be in the May Village Voice. Scott Klamm will be performing at 12:00, 12:30, 1:00 and 1:30 in the Community Center.

Bob Pisciotta reported that HyVee is willing to provide a third water location. The committee may need to provide the volunteers for it. The committee decided the third location will be by the bike rodeo.

Bob Pisciotta stated the budget is roughly in balance using the money in the Municipal Foundation.

Sponsorships

Luci Mitchell reported that CapFed will be donating \$1,000 again this year and Intrust is donating \$500. She said she should hear back from Nations Title tomorrow. John Capito reported that Old Masonic Lodge will donate \$1,000. He said AT&T is a maybe and Commerce will make a decision next week. He said he still has not heard back from Highwoods or the Taylor Made Team. Mary Bahr suggested contacting Missouri Bank.

Patriotic Service

Bob Pisciotta reviewed the patriotic service schedule. John Capito said he would like to have a flash bang if he cannot get a cannon. It will get the crowd's attention. Diana asked if the Community Spirit Award categories were okay with everyone. She said she will begin to work on this component.

Chinook

John Capito said he has a meeting on May 13th to finalize details.

Entertainment

Bob Pisciotta said he spoke with Joan Walsh about Miller Marley. She likes to perform on the pavement. He suggested having them perform on the circle drive after the Marching Cobras and before the band at noon. She will bring a sound system. Joel Crown said the drive is a mess after the parade and it would be difficult to have everything set-up ahead of time. Mary Bahr said she likes the idea. Ann Doyle suggested having them perform at the pavilion after the patriotic service. The committee agreed with this suggestion.

Creativity Center

Joel Crown reported that there will be craft tables, face painters, instruments, and balloon artists.

Car Show

Bob Pisciotta said he will contact John Lilak about the mustangs returning.

Public Works Display

Yes.

Public Safety Display

Yes.

Fire District Display

The committee decided the display would be the same as last year's display and in the same location.

Student Contest

The poster contest is advertised in the May Village Voice. Committee members will contact area schools.

Publicity

John Capito said the flyer will be distributed with the June newsletter. He will put 40 – 50 signs up around the City. There will be 4 ads in the Star and press releases will be sent out. Joel Crown suggested posting the event on Craigslist.

Hospitality

Doug Sharp said Johnny's Tavern will provide lunch for 150.

City Committees

Mike Helms said he needs to know how many tents and tables will be needed. Diana Ewy Sharp said fewer committees will be involved this year. Joel Crown moved to approve the purchase of 3 sun shades for the Masons at the pancake breakfast. The motion passed.

Decorations

Kathy Peters said they will do balloons and flags. They will need volunteers to place the flags the night before.

Other

Joel Crown requested funds to purchase 2 megaphones for the event. John Capito asked the committee to consider the placement of the posted flyers. Diana Ewy Sharp suggested having a guitar hero tournament at the skate park. Jeanne Koontz suggested contacting GameStop about sponsoring it.

The meeting adjourned at 8:00 pm.

Bob Pisciotta
Chair

PRAIRIE VILLAGE ENVIRONMENTAL COMMITTEE - MINUTES - 30 April, 2008

The meeting was called to order at 7:00 by Margaret Thomas, Chair. Present were Margaret, Anne-Marie Hedge, Kathy Riordan, Margaret Goldstein, Penny Mahon, Cheryl Landes, Karin McAdams and Mary Helen Korbelik.

Margaret reported on the clean energy event that was held in Topeka this morning. There was a high turnout and PBS news coverage, but the vote did not take place today.

EARTH FAIR WRAPUP

Mary Helen, Linda, Barbara and Cheryl worked hard to make the lunch a success. Although fewer people bought lunches than last year, there was more money at the end. Committee members discussed creative ways to serve food more effectively next year, and this question will be taken up again next month.

The fashion show was a success and could be repeated next year.

In 2009 parking lot construction at Shawnee Mission East will make access to the gym very difficult. A different date or different location were discussed. It was decided that we should invite representatives of Bridging the Gap to our May meeting so we can better coordinate our events.

Next year, if we offer carbon footprint calculators again, it would be helpful to have clearer instructions, a different location and more kid-friendly programs.

Other ideas were to relocate the musical groups and to provide more glass jars for painting.

ELECTRONICS RECYCLING

The date is October 29. This seems like a good event for which we could recruit lots of young people. Another city is interested in taking part with us.

VILLAGE FEST

Some things that could be like last year: the velcro game and a matching game.

We should have posters advertising the forum and the electronics recycling.

New ideas for next year:

*An activity that encourages people to hang clothes on the line, if it is legal in Prairie Village.

*Water in large containers (perhaps borrowed from McDonald's or another source) instead of water bottles; have corn-based cups available, but encourage people to bring own bottles (BYOB).

*Encourage supporting members of the Environmental Committee to help at Village Fest.

*Locate and bring the awning.

The meeting concluded about 8:20 p.m.

Respectfully submitted,
Karin McAdams,
Secretary

May 12, 2008

THANK YOU

City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

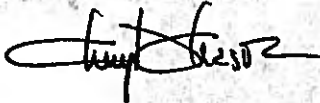
2008 KSHSAA BOYS STATE TENNIS TOURNAMENT

On behalf of the member schools of the Kansas State High School Activities Association, I want to express appreciation for the opportunity to hold the Class 4A Boys State Tennis Tournament at the Harmon Park Tennis Center. The assistance and cooperation of your staff is greatly appreciated.

The assurance of high-quality post-season competition for high school tennis players would not be possible without the support of organizations and persons such as yourselves.

Gary Musselman, KSHSAA Executive Director, joins me in extending a hearty "thank you" and wishing you well.

Enthusjastically,



Cheryl Gleason
Assistant Executive Director

Cc: Andy Tylicki & Rebecca Snodgrass, Tournament Managers

**Council Members
Mark Your Calendars
June 2, 2008**

June 2008	Steve Karol digital art exhibit in the R. G. Endres Gallery
June 13	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
June 16	City Council Meeting
July 2008	Senior Arts Council exhibit in the R. G. Endres Gallery
July 4	City offices closed in observance of Independence Day
July 4	VillageFest
July 7	City Council Meeting
July 11	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
July 21	City Council Meeting
August 2008	Venus Auxier botanical art exhibit in the R. G. Endres Gallery
August 4	City Council Meeting
August 8	Artist exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m.
August 18	City Council Meeting
September 2008	Images Group Show mixed media exhibit in the R. G. Endres Gallery
September 1	City offices closed in observance of Labor Day
September 2 (Tues.)	City Council Meeting
September 12	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
September 15	City Council Meeting
September 23	Shawnee Mission Fall Breakfast at the Overland Park Convention Center
October 2008	State of the Arts exhibit in the R. G. Endres Gallery
October 6	City Council Meeting
October 10	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
October 20	City Council Meeting
November 2008	Mid-America Pastel Society exhibit in the R. G. Endres Gallery
November 3	City Council Meeting
November 7	Artist reception in the R. G. Endres Gallery 6:00 to 8:00 p.m.
November 17	City Council Meeting
November 27	City offices closed in observance of Thanksgiving
November 28	City offices closed in observance of Thanksgiving
December 2008	Tom Wilson, Melanie Nolker & Wendy Taylor mixed media exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 1	City Council Meeting
December 5	Mayor's 2008 Holiday Party
December 12	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 15	City Council Meeting
December 25	City offices closed in observance of Christmas

**Council Members
Mark Your Calendars
June 2, 2008**

June 2008	
June 13	Steve Karol digital art exhibit in the R. G. Endres Gallery
June 16	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m. City Council Meeting
July 2008	
July 4	Senior Arts Council exhibit in the R. G. Endres Gallery
July 4	City offices closed in observance of Independence Day
July 4	VillageFest
July 7	City Council Meeting
July 11	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
July 21	City Council Meeting
August 2008	
August 4	Venus Auxier botanical art exhibit in the R. G. Endres Gallery
August 8	City Council Meeting
August 18	Artist exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m. City Council Meeting
September 2008	
September 1	Images Group Show mixed media exhibit in the R. G. Endres Gallery
September 2 (Tues.)	City offices closed in observance of Labor Day
September 12	City Council Meeting
September 15	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
September 23	City Council Meeting Shawnee Mission Fall Breakfast at the Overland Park Convention Center
October 2008	
October 6	State of the Arts exhibit in the R. G. Endres Gallery
October 10	City Council Meeting
October 11-14	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
October 20	League of Kansas Municipalities Confernece in Wichita, KS City Council Meeting
November 2008	
November 3	Mid-America Pastel Society exhibit in the R. G. Endres Gallery
November 7	City Council Meeting
November 11-15	Artist reception in the R. G. Endres Gallery 6:00 to 8:00 p.m.
November 17	National League of Cities Conference, Orlando, FL
November 27	City Council Meeting
November 28	City offices closed in observance of Thanksgiving City offices closed in observance of Thanksgiving
December 2008	
December 1	Tom Wilson, Melanie Nolker & Wendy Taylor mixed media exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 5	City Council Meeting
December 12	Mayor's 2008 Holiday Party
December 15	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 25	City Council Meeting City offices closed in observance of Christmas

COMMITTEE AGENDA

June 2, 2008

ANIMAL CONTROL COMMITTEE

AC96-04 Consider ban the dogs from parks ordinance (assigned 7/15/96)

COMMUNICATIONS COMMITTEE

COM2008-01 Consider upgrade to City's Website (assigned 10/8/2007)

COUNCIL COMMITTEE

- COU2006-27 Consider Project 190855: Tomahawk Road Bridge Replacement (assigned 8/28/2006)
- COU2006-33 Consider Lease of Public Works from Highwoods Properties, Inc. (assigned 8/29/2006)
- COU2006-38 Consider Park & Recreation Committee Master Plan (assigned 09/27/2006)
- COU2007-02 Consider Reducing size of Council & term limits for elected officials (assigned 1/8/2007)
- COU2007-27 Consider Project 190864 - 2008 Paving Program (assigned 3/9/2007)
- COU2007-33 Consider Project 190719: 2008 Storm Drainage Repair Program (assigned 4/11/2007)
- COU2007-35 Consider reactivation of Project 190709: 83rd Street/Delmar Drainage Improvements
- COU2007-40 Consider Code Enforcement - Interior Inspections (assigned 5/2/2007)
- COU2007-49 Consider Project 190868: Roe - 91st to Somerset Drive (assigned 6/27/2007)
- COU2007-62 Consider Project 190863: Parking at Shawnee Mission East (assigned 10/12/2007)
- COU2007-74 Consider reactivation of Prairie Village Development Corporation (assigned 12/3/2007)
- COU2008-01 Consider Project SP105: 2008 Crack Seal/Slurry Seal Program (assigned 12/31/2007)
- COU2008-02 Consider Project SP107: 2008 Street Repair Program (assigned 12/31/2007)
- COU2008-03 Consider Project 191022: 2008 Concrete Repair Program (assigned 12/31/2007)
- COU2008-21 Consider Project 190865: 2009 CARS - Roe Avenue Resurfacing from Somerset Drive to 83rd Street (assigned 2/26/2008)
- COU2008-22 Consider Project 190890: 2009 Street Resurfacing Program (assigned 2/26/2008)
- COU2008-25 Consider Project 190871: Mission Lane Bridge Replacement (assigned 2/27/2008)
- COU2008-31 Consider Project 190721: 2008 Storm Drainage Repair Program Design Agreement (assigned 3/31/2008)
- COU2008-34 Consider recommendation from the Smoke-Free Task Force regarding the City's Smoking Ordinance (assigned 4/30/2008)
- COU2008-35 Consider Amendment to Special Use Permit for Veterinary Clinic at 8823 Roe Avenue (assigned 5/7/2008)
- COU2008-36 Consider rezoning of 91st & Nall from R-1a (Single family residential) to MXD (Mixed Use District) (assigned 5/7/2008)
- COU2008-37 Consider Special Use Permit for wireless communication tower and equipment compound at 4805 West 67th Street (assigned 5/7/2008)
- COU2008-38 Consider Resolution No. 2008-03 Supporting the Quarter Cent County Public Safety Sales Tax (assigned 5/27/2008)
- COU2008-39 Consider Highway Rock Salt Bid Award (assigned 5/27/2008)
- COU2008-40 Consider Project 190648: El Monte Fountain Replacement Design Agreement (assigned 5/27/2008)
- COU2008-41 Consider 2008 Police Pension Plan Contribution (assigned 5/29/2008)

PARKS AND RECREATION COMMITTEE

PK97-26 Consider Gazebo for Franklin Park (assigned 12/1/97)

PLANNING COMMISSION

- PC2007-01 Study City zoning regulations to address those items identified by the Village Vision Strategic Investment Plan in 2007 (assigned 8/20/2007)
- PC2008-01 Consider Cell Tower Policy (assigned 3/19/2008)

PRAIRIE VILLAGE ARTS COUNCIL

PVAC2000-01 Consider a brochure to promote permanent local art and history (assigned Strategic Plan for the 1st Quarter of 2001)